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MASSACHUSETTS CRIMINAL JUSTICE

TRAINING CENTER

AT

FOXBORO

GOVERNMENT DOCUMENTS  
COLLECTION

AUG 11 1989

University of Massachusetts  
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IN-SERVICE TRAINING MANUAL

OCTOBER 1988 TO JUNE 1989

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89/2

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MASSACHUSETTS CRIMINAL JUSTICE

TRAINING CENTER

AT

FOXBORO

STATEMENT OF COMPLIANCE

I HAVE READ THE STUDENT RULES AND REGULATIONS FOR THE CRIMINAL  
JUSTICE TRAINING CENTER AT Foxboro IN-SERVICE TRAINING PROGRAM  
AND AGREE TO ABIDE BY THEM.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Printed or typed name of student

\_\_\_\_\_  
Date





LEGAL

UPDATE





Criminal Law

1. MGL Chapter 148, Section 39 - Fireworks
2. MGL Chapter 119, Section 51A - Reporting Child Abuse & Neglect
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13. MGL Chapter 138, Section 69 - Sale of Alcoholic Beverages
14. Search Incident to Arrest

NEW LAW - UPDATE - 1987,

POLICE MUNICIPAL LIABILITY, LOCK - UP SUICIDES

Police are civilly liable where an unconscious person was placed in a cell, was not checked every one - half hour, and the police, when alerted by other prisoners that the deceased was in the process of hanging herself, merely responded with an obscene, racial epithet. Miga vs. City of Holyoke, 1986

THRESHOLD INQUIRY - MOTOR VEHICLE(S)

In conducting a temporary investigative detention under Terry vs. Ohio, officers may block a suspect's vehicle and approach at gunpoint if the circumstances known to the officers justify such use of force. Commonwealth vs. Fitzgibbons, 1986

THRESHOLD INQUIRY - PLAIN VIEW

The mere fact that an automobile was parked at night, with in its interior lights illuminated in the parking lot of an establishment that serves liquor, and that the vehicle's engine was running and its headlights were off, raised no reasonable suspicion of criminal activity nor suggested any hazardous condition confronting the occupants of the vehicle, and, consequently police were not warranted in initiating a threshold inquiry by blocking the vehicle and preventing it from leaving the parking lot.

Commonwealth vs. Helme, 1987

THRESHOLD INQUIRY

Where a police stop a vehicle on the highway, and conduct a Roadside Threshold Inquiry of a drug suspect for (40) forty minutes under conditions where it was clear he was not free to leave, the detention constitutes an arrest requiring probable cause from the outset.

Commonwealth vs. Sanderson, 1986

INTERROGATIONS - MIRANDA WARNINGS

Where the defendant never requested counsel or invoked his right to counsel, a brief break in the questioning does not require re-administration of Miranda Warning; illiteracy, low intelligence and intoxication are factors to consider in determining whether a defendant has voluntarily waived constitutional rights.

Commonwealth vs. Taylor, 1986

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### POLICE QUESTIONING; CUSTODY

Miranda Warnings are required only where police initiated questioning of a suspect is custodial. Whether interrogation is custodial depends upon an objective analysis of all the circumstances the officer's subjective intent to take the suspect into custody is irrelevant, unless that intent is communicated to the defendant  
Commonwealth vs. Shine, 1986

### INTERROGATIONS - TAPE RECORDED STATEMENT

Despite a defendant's hunger and fatigue, his statement will be admissible if the totality of the circumstances indicate the defendant's will was not overborne by governmental coercion so as to make his statement involuntarily; - the fact that the police record only a portion of their interview with a defendant does not render the statement inadmissible at trial; however, the entire interview should be recorded, including silence and emotional outbursts.

Commonwealth vs. Fernetto, 1986

### SEARCH AND SEIZURE: EXIGENT CIRCUMSTANCES

Exigent circumstances justified a warrantless nighttime search of the defendant's dwelling where the crime was unusually brutal, the defendant was armed and dangerous, there was clear probable cause, and a strong demonstration that the defendant might have someone else in the apartment, or that evidence could be hidden or destroyed.

Commonwealth vs. Donaghue, 1986

### SEARCH AND SEIZURE: MOTOR VEHICLE

Police will lose the right to conduct a warrantless search on grounds of exigent circumstances if they wait so long before conducting the search that they could have obtained a warrant in the meantime.

Commonwealth vs. Sergeinko, 1987

### INTERROGATION - WAIVER OF MIRANDA RIGHTS - JUVENILES 14 AND OVER

Where police officers conduct a custodial interrogation of a juvenile actually consults with an adult for his waiver of Miranda Rights to be valid, so long as he has had a meaningful opportunity to do so.

Commonwealth vs. ... 1987

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HOSPITAL RECORDS - BLOOD TEST RESULTS OPERATING UNDER INFLUENCE/  
LIQUOR

A hospital record, indicating that the defendant was given a blood test by the attending physician, to determine his medical status, is admissible in the trial of a O.U.I. criminal matter, notwithstanding the fact that the results of the same produced a reading of .22 percent, and were used against him.

Commonwealth vs. Riley

DIRK KNIFE; MEANING OF

A " Dirk Knife ", is defined as a " knife having a tapered blade, ranging in length from 7.9 to 11.9 inches," useful almost exclusively for stabbing, with a blade that is usually double - edged and symmetrical, and does not include an oversized version of a folding pocket knife with a singled - edged blade five inches by one - half inches.

Commonwealth vs. Miller, 1986

NO KNOCK WARRANT

" A search is illegal when the police make a no - knock entry for reasons which they failed to inform the magistrate, or specifically request a no - knock warrant.

Commonwealth vs. Manni, 1986

SEARCH AND SEIZURE: SEARCH WARRANTS: RETURN

" A failure of the police to observe ministerial " procedures attendant to the return of a search warrant will not invalidate the search conducted pursuant to the warrant.

Commonwealth vs. Aldrich, 1986

SEARCH AND SEIZURE - VALID GENERAL WARRANT

An application for a warrant that described the place to be searched as " premises to be identified by the trooper prior to execution of " the Warrant " - failed to adequately describe the place to be searched as required by state and federal law.

Commonwealth vs. Douglas, 1987

SEARCH AND SEIZURE - EXPECTATION OF PRIVACY IN A HOTEL GUEST

An inn holder has no expectation of privacy in a motel guest register where the manager or owner is not the subject of the investigation.

Commonwealth vs. Blinn

SEARCH AND SEIZURE - INVENTORY OF CLOSED CONTAINERS

The police may open and inspect a closed " container " during an inventory search conducted pursuant to standardized procedures that called for " a detailed inventory " involving the opening of containers and the listing of their contents.

Colorado vs. Bertine, 1987

SEARCH AND SEIZURE - SEARCH INCIDENT TO ARREST

A search may be upheld as a valid search incident to an arrest even though the defendant was outside of the vehicle at the time of the arrest and a " formal " arrest followed the search.

Commonwealth vs. Brillante, 1987

SEARCH AND SEIZURE - THRESHOLD INQUIRY - PLAINVIEW

Even though a police officer may suspect an item will be found that " suspicion " does not taint an otherwise valid " plain - view " seizure.

Commonwealth vs. Blake, 1987

CONFESSIONS - REQUEST FOR COUNSEL BEFORE MAKING WRITTEN STATEMENT DOES NOT INVALIDATE A PRIOR ORAL STATEMENT

A defendant has voluntarily waived his/her rights when he/she is advised of his/her rights, signs a waiver form, and indicates a willingness to talk to police about the incident even though the suspect will not put anything in writing until a lawyer is present.

Connecticut vs. Barrett, 1987

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CONFESSIONS - SUSPECT NEED NOT BE AWARE OF ALL CRIMES ABOUT WHICH HE MAY BE QUESTIONED

A suspect does not have to be aware of all of the crimes on which he may be questioned in order to knowingly, voluntarily and intelligently waive his/her Miranda rights.

Colorado vs. Spring, 1987

CONFESSIONS - VOLUNTARINESS - MENTAL ILLNESS

A confession is voluntarily, even though it may have been prompted by the defendant's mental illness, if there was no " coercion " by the police.

Colorado vs. Connelly, 1987

SEARCH AND SEIZURE - EXIGENT CIRCUMSTANCES

A police officer's warrantless entry of a dwelling can be upheld as justified by exigent circumstances even though " exigency " is not uppermost in the officer's mind.

United States vs. Gallo - Roman, 1987

SEARCH AND SEIZURE - DEFINITION OF " SEARCH " AND " EXIGENT CIRCUMSTANCES "

Inspection of automobiles in a dealer's showroom does not constitute a search because there is no reasonable expectation of privacy.

Autoworld Specialty Cars, Inc. vs. United States, 1987

SEARCH AND SEIZURE - EFFECT OF ISSUANCE OF A SEARCH WARRANT

Obtaining a search warrant doesn't necessarily put an end to other ways of gathering evidence, ( i.e. using an undercover operation to enter the premises and obtain certain evidence).

United States vs. Alvarez, 1987

CONFESSION - " CUSTODIAL INTERROGATION "

Even though the test for determining when a suspect is " in custody " is an " objective test " the special characteristics of a suspect may properly be taken into consideration.

United States vs. Beraun - Panez, 1987

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WARRANTS - USE OF " UNWARNED VOLUNTARILY STATEMENTS "

Statements taken from a defendant who had not been informed of his Miranda Rights, may if the statements are voluntar and trustworthy be used in a warrant affidavit to establish probable cause.

United States vs. Paterson, 1987

SEARCH AND SEIZURE - " PROBABLE CAUSE FOR PLAINVIEW SEARCH OR SEIZURE

In order to seize an item under the " plain view doctrine ", the officers must have probable cause to believe that the item is in fact contraband or evidence of a crime.

Arizona vs. Hicks, 1987

SEARCH AND SEIZURE - OPENFIELDS DOCTRINE

Four factor test the U.S. Supreme Court has established to determine if an area is within the " curtilage of a residence and therefore entitled to the resident's Fourth Amendment protection.

United States vs. Dunn, 1987

LEGISLATIVE UPDATE

January thru June 1987

The purpose of this program is to assist the police officer in understanding recent statutes enacted by the legislative that have an impact on law enforcement. This lesson will focus on the following topics:

- a) MGL Chapter 272, Sec. 77B - Prohibition of exploitation of wild animals - 1/6/87
- b) MGL Chapter 233, Sec. 20K - Domestic violence(counselor confidentiality - 2/1/87
- c) MGL Chapter 111C, Sec. 6 - Prohibits the impersonation of an Emergency Medical Technician - 12/30/86
- d) MGL Chapter 90, Sec. 7B - School bus - Flashing lights - 1/18/87
- e) MGL Chapter 119, Sec. 51B - Department of Social Services Investigation of child abuse - 1/21/87
- f) MGL Chapter 140, Sec. 129D - Revocation of Firearms Licenses - 1/21/87
- g) MGL Chapter 140, Sec. 131 - Granting of firearms licenses - 1/21/87
- h) MGL Chapter 269, Sec. 10 - Prohibition of possession, manufacture of ballistic knives - 3/1987
- i) MGL Chapter 123, Sec. 12 - Hospitalization of mentally ill - 1987
- j) MGL Chapter 90, Sec. 8 - Liquor Purchase Identification Cards - 3/23/87
- l) MGL Chapter 90, Sec. 22 - Suspension of license/registration for violation of CH 138, Sec. 34B - 3/23/87
- m) MGL Chapter 138, Sec. 34B - Reliance on liquor purchase I.D. card by licensee - 3/23/87
- n) MGL Chapter 90C, Sec. 3 - Penalties for minor motor vehicle offenses - 1/8/87
- o) MGL Chapter 272, Sec. 16 - Legalization of cohabitation - 8/3/87
- p) MGL Chapter 90, Sec. 7AA - Seat belts/child passenger restraints - 1987
- q) MGL Chapter 90, Sec. 7 - Gasoline trucks - audible warning system to become effective 1/1/91
- r) MGL Chapter 89, Sec. 7A - Approach of emergency vehicles - 8/3/87

Throughout this program the student is responsible for and should be taking notes in the following:

- a) elements
- b) Statutory fines
- c) Rights to arrest

for each of the laws included in the program.

LEGISLATIVE UPDATE

Miscellaneous Laws of interest

1986

- a) MGL Chapter 265, Sec. 13D - Assault and battery of employee of the Department of Social Services
- b) MGL Chapter 41, Sec. 97B - Rape preservation of evidence by hospitals 1/2/86
- c) MGL Chapter 138, Sec. 22 - Transportation of liquor - One's own use
- d) MGL Chapter 266, Sec. 28 - Larceny of Motor Vehicle
- e) MGL Chapter 90, Sec. 20 - Failure to have Motor Vehicle inspected
- f) MGL Chapter 138, Sec. 34B - Liquor Purchase Identification Card
- g) MGL Chapter 140, Sec. 131F $\frac{1}{2}$  - Temporary possession/carrying of firearm and blank ammunition
- h) MGL Chapter 269, Secs. 17/18/19; College hazing
- i) MGL Chapter 90, Sec. 7P - Motor Vehicle height alteration
- j) MGL Chapter 231, Sec. 85G - Parental restitution-juvenile misdeeds
- k) MGL Chapter 140, Sec. 183D - Cover charge, cafe/restaurants
- l) MGL Chapter 119, Sec. 60A - Juvenile delinquents - release of name
- m) MGL Chapter 31, Sec. 26 - Preference-son of police officer
- n) MGL Chapter 270, Sec. 6 - Sale of tobacco - minors
- o) MGL Chapter 140, Sec. 12 - Defrauding innkeepers - restaurants
- p) MGL Chapter 231, Sec. 94B - Actions for false arrest, etc. by merchant/innkeeper
- q) MGL Chapter 159B, Sec. 6C - Maximum storage charge for motor vehicles
- r) MGL Chapter 90, Sec. 21 etc. - Minor motor vehicle offenses arrest powers
- s) MGL Chapter 149, Sec. 19B - Use of lie detectors
- t) MGL Chapter 233, Sec. 20 - Child's testimony against parent
- u) MGL Chapter 138, Sec. 2 - Beer-fire damage
- v) MGL Chapter 266, Sec. 112 - Malicious killing of animals
- w) MGL Chapter 265, Sec. 13B - Indecent assault and battery - in capacity to consent
- x) MGL Chapter 93, Sec. 89 - Prohibition of two way mirrors / electronic cameras - in dressing rooms of retail clothing stores
- y) MGL Chapter 90, Sec. 7B - School buses equipment required - mirrors
- z) MGL Chapter 90, Sec. 14 - School buses, failure to stop - penalties
- aa) MGL Chapter 255, Sec. 31C - Lien of jewelers
- bb) MGL Chapter 89, Sec. 4A - Motorcycles - single file - passing
- cc) MGL Chapter 89, Sec. 9 - Motor vehicles blocking intersection
- dd) MGL Chapter 231, Sec. 85G - Shoplifting - liability of parents
- ee) MGL Chapter 231, Sec. 85R $\frac{1}{2}$  - Liability - shoplifting effective date 1/1/87
- ff) MGL Chapter 90, Sec. 7B - Seat belts - school buses
- gg) MGL Chapter 90, Sec. 24N etc. - Safe Roads Act

THE FOLLOWING SITUATIONS TAKE PLACE IN YOUR  
PRESENCE

If you determine a particular situation is a crime, indicate if it is a felony or misdemeanor; if it carries the mandatory year in jail; and whether or not it authorizes a police officer to make a warrantless arrest on the spot.

1. "A", on a public way, has an unloaded rifle (16" barrel) and a valid Firearm I.D. Card.
2. "B", on a public way, has a loaded revolver (4" barrel) and a valid License to Carry a Firearm.
3. "C", on a public way, has an unloaded shotgun (21" barrel) and a valid Firearm I.D. Card.
4. "D", on a public way, has a loaded shotgun (20" barrel) and a valid Firearm I.D. Card. He is not engaged in hunting.
5. "E", in his own home, has a rifle (18" barrel) and a valid Firearm I.D. Card.
6. "F", in his own home, has a rifle (18" barrel) and does not have a Firearm I.D. Card not a License to carry Firearms.
7. "G", at his place of business, has a machine gun (20" barrel) and a valid Firearm I.D. Card.
8. "H", on a public way, has a loaded shotgun (16" barrel) and a License to Carry Firearms which expired 45 days ago.
9. "I", on a public way, has a loaded rifle (15" barrel) and a valid license to Carry a Firearm.
10. "J", on a public way, has a loaded shotgun (20" barrel) and a valid License to Carry a Firearm. He is not engaged in hunting.
11. "K", in his automobile on a public way, has, in plain view on the seat, an unloaded rifle (19" barrel) and has neither a Firearm I.D. Card nor a license to Carry a Firearm.
12. "L", in his unoccupied automobile parked in the driveway of his own property, has, in plain view on the seat, a loaded pistol (5" barrel) and possesses a valid License to Carry a Firearm.
13. "M", in his own home, is in possession of a revolver (4" barrel) and upon request refuses to produce any type of firearm license.
14. "N", at his place of business, has a BB rifle (18" barrel) and has neither a Firearm I.D. Card nor a License to Carry Firearms.
15. "O", on a public way, is in possession of 30 rounds of unfired .32 calibre ammunition and has no firearms license of any type.
16. What info would you give to a citizen of your community who reported to you that his firearm, rifle or shotgun had been stolen or lost?
17. "P", a minor 16 years of age, has in his possession on a public way an unloaded BB rifle (18" barrel) a sporting license, a valid Firearm I.D. Card and written permission from the Chief of Police to possess the weapon. He is not accompanied by an adult.

Disposition of Seized Fireworks:

Notice of such seizure of the fireworks shall immediately be sent to the marshal by the officer making the seizure, and the fireworks seized shall be held and securely stored by that department until the marshal or his authorized representative takes them into his possession for disposal.

The marshal that is referred to in the statute is the State Fire Marshal. Boston Police officers should notify our own Bomb Squad, who will take control of the fireworks and cause them to be transferred to the State Fire Marshal.

EXCEPTIONS:

The term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps or plastic caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times; and provided, further, that this section shall not apply (1) to the sale of any fireworks to be shipped directly out of the commonwealth, or (2) to the sale of any such article for the use of, and its use by, persons having obtained a permit for a supervised display of such fireworks from the marshal or some officer designated by him therefor, under any provision of section thirty-nine A, or (3) to the sale of flares, lanterns or fireworks for the use of, and their use by, railroads, railways, boats, motor vehicles or other transportation agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise, or (4) to the sale or use of blank cartridges for a duly licensed show or theater or for signal or ceremonial purposes in athletics or sports, or to the sale of special blank cartridges and their use in the proper operation of industrial tools and equipment only, (5) to experiments at a factory for explosives, or (6) to the sale of blank cartridges for the use of, or their use by, the militia or any organization of war veterans or other organizations authorized by law to parade in public, a color guard armed with firearms, or (7) in teaching the use of firearms by experts, or (8) to the sale of shells for firearms, cartridges, gunpowder, and for the purpose of using, and their use, or in connection with the hunting of game or in target practice with firearms, or (9) to farmers and fruit growers who, having obtained a permit under section thirteen of chapter forty-eight, use firecrackers for the control of damage to their crops by birds.

RE-ISSUE

Training Bulletin 6-87

# Boston Police Academy



Lieutenant Harold C. Prefontaine

## FIREWORKS

According to chapter 148 section 33:

"Fireworks" shall include compositions, substances or other articles and shall also include blank cartridges or toy cannons in which explosives are used, the type of toy balloon which requires fire underneath to propel the same, firecrackers, cherry bombs, silver salutes, M-80's, torpedoes, sky-rockets, Roman candles, sparklers, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction or any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

### Simple Possession or Use of Fireworks:

Whoever shall have in his possession or under his control, or whoever shall use or explode or cause to explode any fireworks in violation of this section shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Any officer qualified to serve criminal process shall seize all of the fireworks mentioned herein without a warrant, and the fireworks seized shall, upon conviction of such violation, be forfeited to the commonwealth.

Notice that this is a non-arrestable misdemeanor. An officer may seize the fireworks (since they are contraband) and later seek complaints. This does not mean that in extreme cases officers are precluded from using other charges such as disorderly or disturbing the peace.

### Selling or Offering Fireworks for Sale:

Whoever shall sell or keep for sale or offer for sale any fireworks in violation of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than one year or both. Any officer qualified to serve criminal process may arrest without a warrant any person who shall sell or keep for sale or offer for sale any fireworks in violation of this section and any fireworks found in his possession or under his control upon conviction of such a violation shall be forfeited to the commonwealth.

Notice that the selling or offering or keeping for sale of fireworks is a misdemeanor with a statutory right of arrest (in presence).

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## Tranining Bulletin 7-87

# Boston Police Academy

Sergeant Harold C. Prefontaine



### FIREWORKS

According to Chapter 148 Section 39:

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The marshal that is referred to in the statute is the State Fire Marshal. Boston Police officers should notify our own Bomb Squad, who will take control of the fireworks and cause them to be transferred to the State Fire Marshal.

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The term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps or plastic caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times; and provided, further, that this section shall not apply (1) to the sale of any fireworks to be shipped directly out of the Commonwealth, or (2) to the sale of any such article for the use of, and its use by, persons having obtained a permit for a supervised display of such fireworks from the marshal or some officer designated by him therefor, under any provision of section thirty-nine A, or (3) to the sale of flares, lanterns or fireworks for the use of, and their use by, railroads, railways, boats, motor vehicles or other transportation agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise, or (4) to the sale or use of blank cartridges for a duly licensed show or theater or for signal or ceremonial purposes in athletics or sports, or the sale of special blank cartridges and their use in the proper operation of industrial tools and equipment only, (5) to experiments at a factory for explosives, or (6) to the sale of blank cartridges for the use of, or their use by, the militia or any organization of war veterans or other organizations authorized by law to parade in public, a color guard armed with firearms, or (7) in teaching the use of firearms by experts, or (8) to the sale of shells for firearms, cartridges, gunpowder, and for the purpose of using, and their use, or in connection with the hunting of game or in target practice with firearms, or (9) to farmers and fruit growers who, having obtained a permit under section thirteen of chapter forty-eight, use firecrackers for the control of damage to their crops by birds.

## Training Bulletin 15-87

# Boston Police Academy

P.O. Diane Culhane



### REPORTING CHILD ABUSE AND NEGLECT

The purpose of this training bulletin is to present a comprehensive review of the reporting procedures for mandated reporters and to facilitate the screening process for said reports.

As mandated reporters under M.G.L. C. 119 S51A, police officers who in their professional capacity have reasonable cause to believe that a child under the age of 18 yrs. is suffering serious physical or emotional injury resulting from ABUSE inflicted upon him, including sexual abuse, or from NEGLECT, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall report such condition to the Department of Social Services (DSS).

#### HOW TO FILE

Your initial report is a phone call to one of the DSS area offices. Ask to file a 51A. This oral report is to be followed within 48 hrs. by a written 51A report. (NOTE: An incident report does not cover you. You must file a 51A).

#### DSS AREA OFFICES

Area office hours: 8:45 a.m.-5 p.m. look up the address where the child usually resides in the Child Abuse and Neglect Reporting Area Office and Street Directory for the appropriate telephone number.

- *If the child is from out of state or if you do not have an address for the family, call the area that covers the address of your district.*
- *If no directory is available, contact the Regional Office at 227-0010.*
- *After 5:00 p.m. call the "hot line" 1-800-792-5200.*

#### REQUESTED INFORMATION

When you telephone a DSS protective screening unit to make a report of possible child abuse or neglect, you will be asked to give, to the fullest extent possible, the following information:

- The date and time of the report
- The child(ren)'s and parent'(s) substitute(s), name, address, including apartment number, and telephone number, present whereabouts.
- Any legal custody orders pertaining to the child(ren)
- Any known physical or mental impairments of the child(ren) and parent(s) or parent substitute(s)
- The nature and extent of the child(ren)'s specific injuries or condition alleged to have resulted from abuse or neglect, including time, dates, frequency of observation and location of marks, if any.
- The reporter's knowledge of any prior abuse or neglect
- The reporter's opinion of current risk to the child(ren), if any, in the home or substitute care setting
- The identity of the person providing such information, if other than the reporter
- The circumstances under which the person reporting first became aware of the child(ren)'s injuries or condition alleged to have resulted from abuse or neglect

- The action, if any, taken to treat, shelter or otherwise assist the child(ren)
- Your name, address, telephone number, profession and relationship to the child and whether the family has been informed of the report
- Any other information which the reporter believes may be helpful in establishing the cause of the injuries or condition alleged to have resulted from abuse or neglect, or identifying the person(s) allegedly responsible, including the source of information.
- Any service provider or individual who might be currently involved with the family

- Screeners receiving the report want to be able to draw a mental picture of the child. The information they need should be relevant to the child and the conditions affecting the child.

Ask yourself how is the child being affected or endangered. General information about a poor lifestyle may give corroborative information, but to enter the family into the system, the situation needs to be specifically related to the child.

### EMERGENCY SITUATIONS

A situation where the failure to take immediate action would place a family and/or child at substantial risk of serious imminent family disruption, death, or serious emotional or physical injury.

DSS will initiate the investigation of an emergency situation within two hours

### FOR YOUR INFORMATION

*Each new incident of abuse or neglect must be reported on a separate 51A. Officers may call DSS just to consult about a situation. If you are calling for advice or assistance and not necessarily to report, clearly state so.*

## Training Bulletin 16-87

# Boston Police Academy

P.O. Gladys Gaines



### DOMESTIC VIOLENCE

One of the most common, and yet unique calls an officer can receive is a call to respond to family trouble.

Officers must always act in a totally professional manner displaying tact, consideration and attentiveness towards all parties. At the same time, officers must be aware of the potential for violence, and thus restrict the physical movement of the parties, and be certain to control access to any weapons. The officers should take control of the situation, prevent further violence, and attempt to at least resolve the dispute. Officers should always inform the parties of their rights under M.G.L. c. 209A s6; this consists of also handing the parties a copy of their rights.

Special attention must also be given to the safety and welfare of any children present. As mandated reporters, officers who suspect child abuse, will report such information by filing a 51A form as it is cited under M.G.L. c. 119 in addition to the documented report of family trouble.

M.G.L. c. 209A s.1, has been amended by adding two categories of individuals who are now covered under the Abuse Prevention Act.

The definition of "family or household member" has been amended to read as follows:

#### "Family or Household Member"

##### *Household Member*

This term may be interpreted broadly to include a defendant who is at home only intermittently, though often.

##### *\*Former Household Member*

Person who resided in the home for an extended period of time or a person who spent time at the home intermittently, though often.

**EXAMPLE:** Boyfriend or former boyfriend who resided in the home of the victim or spent time at that home, although for short periods of time, may be considered a former household member.

Spouse, former spouse of their minor children, blood relatives, OR

**\*Person who, though unrelated by blood or marriage, is the parent of the plaintiff's minor child**

The defendant is the parent of the plaintiff's minor child(ren). There is no relationship through marriage or blood in this case (the defendant is the parent of a child born out of wedlock).

There is no need for the defendant to have lived in the same household as the plaintiff.  
*He/She does not have to be a former household member.*

**NOTE:** These two categories are the additive to the definition. M.G.L. C. 265, s26A- kidnapping of minor or incompetent by relative.

Because domestic violence has a potential for other ramifications, officers should be aware of this statute. There has been a documented increase in children kidnapped by their parents, especially in cases where there is a current divorce proceeding and/or a custody battle. Officers must be informed of all possible protective orders, which cite temporary or permanent custody of children under M.G.L. c. 208 or M.G.L. c. 209A.

Special attention must be given to the detail information in custody cases; special conditions, restrictions, etc...

**DEPARTMENT POLICY REQUIRES ALL INCIDENTS OF DOMESTIC VIOLENCE TO BE REPORTED, AND AN INCIDENT REPORT MUST BE SUBMITTED.**

*Specific duties required by M.G.L. C. 209A have been outlined in special order 87-29.*

## Training Bulletin 19-87

# Academy



Sgt. Harold C. Prefontaine

### PROTECTIVE CUSTODY-Chapter 111B

**Definition:** Incapacitated is the condition of an intoxicated person, who BY REASON OF THE CONSUMPTION OF INTOXICATING LIQUOR is (1) unconscious, (2) in need of medical attention, (3) likely to suffer or cause physical harm or damage to property, or (4) disorderly.

Any person who is incapacitated may be *assisted* by a police officer *with* or *without* his consent to:

- (1) his residence      (2) a facility,      (3) police station

for the purposes of this chapter only, the officer may request the person to submit to reasonable tests of coordination, coherency of speech and breath.

If taken to the station, shall have the right to request and be administered a breathalyzer test. Results as follows:

.00 - .05	released forthwith
.06 - .09	no presumption
.10 and up	presumption of drunkenness

1. Any person held - has the right and be informed of right to a phone call.
2. Officer in charge of station, or his designee, must notify nearest facility and if available, provide transport
3. Upon arrival at facility, the transporting officer must inform of right to one phone call at other person's expense.
- 4.\* If incapacitated person is UNDER 18 and is to be held at station, parent or guardian must be notified forthwith upon arrival, or as soon as possible.
5. If no facility, DK can be held up to 12 hours or until he is no longer incapacitated.
6. A record of custody kept with specified data. The record is not to be treated as a arrest or criminal record.

\* Chapter 111B, Section 10 provides that if the parent or guardian of the person under 18 years of that is being held requests his release, he must be released. This also required by Rule 318A Section 7 of the Boston Police Rules and Regulations. All rights afforded any person under this chapter shall apply to juveniles.

**NOTE:** The P.C. Law does not apply to persons incapacitated as a result of using drugs.

## Training Bulletin 5-88

# **Boston Police Academy**

P.O. Gladys R. Gaines



## **Important Law Change Effective Immediately Chapter 209A**

Recent Legislation has provided police officers with a powerful tool to be used in addressing domestic violence situations.

Chapter 761 of the Acts of 1987 provides for the arrest of any person whom the officer has probable cause to believe has committed an assault and battery in violation of Chapter 265 Section 13A if it involves abuse of a family or household member as defined in Chapter 209A.

The effect of the act is to amend Ch 209A-sec 6, Powers of Police, by adding clause 7 which allows an officer to make an arrest for a past misdemeanor assault and battery, not committed in his/her presence, if it involves abuse of a family or household member. No Court Orders (either restraining and/or vacate) need to be in effect in order to make an arrest under this clause.

An assault and battery involving abuse would be one committed by a family or household member against another family or household member, as defined in the statute.

### **Example:**

Officers respond to a family trouble call. Jane Doe states that prior to the officers arrival, her husband (John Doe) assaulted her about the face with his hands and pushed her causing her to fall. The Officers observe redness to her left cheek and a fresh cut to her bottom lip. Under Ch 209A sec 6, clause 7, the officers may arrest John Doe, on probable cause for the past misdemeanor of assault and battery involving abuse.

As the result of an emergency preamble signed by Governor Michael Dukakis on January 26, 1988, this law change takes place immediately.

## Training Bulletin 4-88

# Boston Police Academy

SGT Harold C. Prefontaine



## Important Law Change Effective February 1, 1988

There has been a major law change affecting the following statutes:

- Chapter 266:30 Simple Larceny
- Chapter 266:37B Fraudulent Use of Credit Cards - Misdemeanor
- Chapter 266:37C Fraudulent Use of Credit Cards - Felony
- Chapter 266:60 Receiving Stolen Goods
- Chapter 266:127 Willful and Malicious Destruction of Certain Property

As of February 1, 1988, each of these statutes has a change relative to the value of property. Where the statute now reads \$100, the value as of February 1, 1988, will be \$250.

At present, simple larceny of property valued over \$100 is a felony. As of February 1, 1988, in order for simple larceny to be a felony, the value of the property stolen will have to be over \$250.

After the change, simple larceny of property valued at \$250 even, or less, will be a misdemeanor (with an in presence statutory right of arrest found in Chapter 276 section 28).

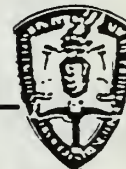
Relative to the credit card statutes, the unlawful use of a credit card where the value of the money, goods or services are over \$250 would be a felony. Where they are \$250 even, or less, it would be a misdemeanor (with an in presence statutory right of arrest under) under Chapter 266 section 37B.

Relative to receiving stolen goods, if the value of the stolen goods knowingly received is over \$250 or if for a second or subsequent offense, it would be a felony. Where they are valued at \$250 even, or less, it would be a misdemeanor with no statutory right of arrest.

Relative to willful and malicious injury or destruction of personal property, dwelling or building of another, in any manner or by any means not particularly described in the chapter (Ch 266) if the value of the property so injured is over \$250, it would be a felony. If it is valued at \$250 even, or less, it would be a misdemeanor with no statutory right of arrest

## **Boston Police Academy**

Sergeant Harold C. Prefontaine



# **Recruit Officer Status**

This training bulletin is issued to familiarize department personnel with the status of police recruit officers.

Massachusetts General Law Chapter 41 section 96B states in part:

Every person who receives an appointment to a position on a permanent full-time basis in which he will exercise police powers in a municipal police department, the metropolitan district commission police, Massachusetts Bay Transportation Authority police, capital police or the division of law enforcement within the department of fisheries, wildlife and environmental law enforcement, and any employee of the registry of motor vehicles who will exercise police powers shall prior to exercising any police powers, be assigned to and satisfactorily complete a prescribed course of study at a regional or municipal police training school, approved by the Massachusetts criminal justice training council, hereinafter referred to as the council. Any person so attending such a school shall be paid the wages provided for the position to which he was appointed and such reasonable expenses as may be determined by the appointing authority.

Because this statute is not well known, department personnel have been uninformed as to the status of recruit officers. Prior to this statute, we had all the powers and duties of police officers on the day we were sworn in. Today, recruits have no police powers until they successfully complete their academy training. Until that occurs they have the same rights to arrest as any other citizen, which is for a felony committed in presence, only.

## Training Bulletin 9-88

# Boston Police Academy



Sergeant Detective James A. Moore

### SEARCH INCIDENT TO LAWFUL ARREST

One of the most commonly used warrantless searches is the search incident to a lawful arrest. Three questions should come to mind when discussing this type of search. When, Who and Where may an officer search?

**When:** When an officer develops probable cause to make an arrest, he has, at that moment, concurrent probable cause to search.

**Who:** An officer may always search every person whom he arrests.

**Where:** In addition to the prisoner an officer may also search the area under the prisoner's control. That area is sometimes referred to as the "lunging distance". This is any place to which a prisoner — could lunge to get a weapon and/or evidence.

Massachusetts officers are more limited in conducting such a search because of M.G.L. c. 276, s.1. Under the provisions of this statute, officers may conduct a search incident to a lawful arrest to discover weapons, which could be used to avoid arrest or effect escape. They may also search for evidence of the crime for which the arrest was made. Thus, a person arrested for a simple assault and battery could only be searched for weapons, since there is usually no physical evidence which is associated with a simple assault and battery. Containers and places which could hold a weapon could also be searched, but such items incapable of containing a weapon could not be searched. In any event, locked items should not be opened when conducting a search incident to an arrest, because the prisoner could not obtain control of the contents.

Due to the strict construction of this part of the statute by the Supreme Judicial Court, this search must be conducted at a time when the prisoner is in a position to obtain a weapon and/or destroy evidence. Once a prisoner has been adequately secured or removed from the scene, a search under the "incident to arrest" exception to the warrant requirement can no longer be made.

If a prisoner has been handcuffed and placed in a cruiser or taken to the station, the room or vehicle in which he was arrested could not now be searched under this exception. To avoid this problem, the search of the area immediately around the prisoner should be made about the same time that other officers are securing the prisoner. Of course, if the officers have developed probable cause

that the vehicle contains seizable evidence, and the vehicle is on a public way, then the vehicle may be searched without a search warrant under the "motor vehicle exception".

To date the Supreme Judicial Court has not addressed the ninth paragraph of ch 276, s. 1, which reads:

"Nothing in this section shall be construed to abrogate, impair or limit powers of search and seizure granted under other provisions of the General Laws or under common law."

This provision appears to negate the strict construction given to the previous part of the section by the Supreme Judicial Court. In an appropriate case this provision should be brought to the attention of the prosecuting Assistant District Attorney in order that the issue may be addressed.

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Reference:

Atty. James A. Moore, Constitutional Law for Police Officers; at 36-38; 43-44; and cases cited therein (1987)

CRIMINAL PROCEDURE UPDATE

The purpose of this program is to update the police officer in recent case decisions. This lesson will focus on the following cases and their decisions:

- Commonwealth v. Douglas - 1987
- Commonwealth v. Blinn - 1987
- Colorado v. Bertine - 1987
- Commonwealth v. Brillante - 1987
- Commonwealth v. Blake - 1987
- United States v. Gallo-Roman - 1987
- Autoworld Specialty Cars Inc. v. United States
- United States v. Alvarez - 1987
- Arizona v. Hicks - 1987
- United States v. Dunn - 1987
- Commonwealth v. Barrett - 1987
- Colorado v. Spring - 1987
- Colorado v. Connelly - 1987
- United States v. Beraun-Panez - 1987
- United States v. Paterson - 1987

At the conclusion of this program, the student officer will have a thorough understanding of these recent case decisions as they relate to search and seizure, confessions, search warrants, law and arrest.

1. CRIMINAL PROCEDURE UPDATE

A. SEARCH AND SEIZURE - VALID GENERAL WARRANT

1. The student will be able to orally or in writing, state that an application for a warrant that described the place to be searched as "premises to be identified by the trooper prior to execution of "the warrant" - failed to adequately describe the place to be searched as required by state and federal law.

a. Commonwealth v. Douglas; 399 Mass. 14; 1987

B. SEARCH AND SEIZURE - EXPECTATION OF PRIVACY IN A HOTEL GUEST REGISTER

1. The student will be able to orally, or in writing, to state that an inn holder has no expectation of privacy in a motel guest register where the manager or owner is not the subject of the investigation.

a. Commonwealth v. Blinn; 399 Mass. 126; 1987

C. SEARCH AND SEIZURE - INVENTORY OF CLOSED CONTAINERS

1. The student will be able to orally, or in writing, to state that the police may open and inspect a closed "container" during an inventory search conducted pursuant to standardized procedures that called for "a detailed inventory" involving the opening of containers and the listing of their contents.

a. Colorado v. Bertine; U.S. 40 Cr. L. Rptr., 3175; 1987

SEARCH AND SEIZURE - SEARCH INCIDENT TO ARREST

1. The student will be able to orally, or in writing, to state that a search may be upheld as a valid search incident to an arrest even though the defendant was outside of the vehicle at the time of the arrest and a "formal" arrest followed the search.

a. Commonwealth v. Brillante; 399 Mass. 152; 1987

E. SEARCH AND SEIZURE - THRESHOLD INQUIRY - PLAINVIEW

1. The student will be able to orally, or in writing, to state even though a police officer may suspect an item will be found that "suspicion" does not taint an otherwise valid "plain-view" seizure.

a. Commonwealth v. Blake; 23 Mass. App. Ct. 456; 1987

F. CONFESSIONS - REQUEST FOR COUNSEL BEFORE MAKING WRITTEN STATEMENT DOES NOT INVALIDATE A PRIOR ORAL STATEMENT

1. The student will be able to orally, or in writing, to state that a defendant has voluntarily waived his/her rights when he/she is advised of his/her rights, signs a waiver form, and indicates a willingness to talk to police about the incident even though the suspect will not put anything in writing until a lawyer is present.

a. Connecticut v. Barrett; U.S. 40 Cr.L.Rptr. 3183; 1987

G. CONFESSIONS - SUSPECT NEED NOT BE AWARE OF ALL CRIMES ABOUT WHICH HE MAY BE QUESTIONED

1. The student will be able to orally, or in writing, to state that a suspect does not have to be aware of all of the crimes on which he may be questioned in order to knowingly, voluntarily and intelligently waive his/her Miranda rights.

a. Colorado v. Spring; 40 Cr.L.Rptr. 3194; 1987

H. CONFESSIONS - VOLUNTARINESS - MENTAL ILLNESS

1. The student will be able to orally, or in writing, to state that a confession is voluntary, even though it may have been prompted by the defendant's mental illness, if there was no "coercion" by the police.

a. Colorado v. Connelly; U.S. 40 Cr.L.Rptr. 3159; 1987

I. SEARCH AND SEIZURE - EXIGENT CIRCUMSTANCES

1. The student will be able to orally, or in writing, to state that a police officer's warrantless entry of a dwelling can be upheld as justified by exigent circumstances even though "exigency" is not uppermost in the officer's mind.

a. United States v. Gallo-Roman; F.2d 2nd Cir.; 1987

J. SEARCH AND SEIZURE - DEFINITION OF "SEARCH" AND "EXIGENT CIRCUMSTANCES"

1. The student will be able to orally, or in writing, to state that inspection of automobiles in a dealer's showroom does not constitute a search because there is no reasonable expectation of privacy.

a. Autoworld Specialty Cars, Inc. v. United States; F20, 6th Cir.; 1987

K. SEARCH AND SEIZURE - EFFECT OF ISSUANCE OF A SEARCH WARRANT

1. The student will be able to orally, or in writing, to state that obtaining a search warrant doesn't necessarily put an end to other ways of gathering evidence, (i.e. using an undercover operation to enter the premises and obtain certain evidence).

a. United States v. Alvarez; F.2d, 11th Cir. 1987

L. CONFESSION - "CUSTODIAL INTERROGATION"

1. The student will be able to orally, or in writing, to state that even-though the test for determining when a suspect is "in custody" is an "objective test" the special characteristics of a suspect may properly be taken into consideration.

a. United States v. Beraun-Panez; F.2d, 9th Cir. 1987

M. WARRANTS - USE OF "UNWARNED VOLUNTARY STATEMENTS"

1. The student will be able to orally, or in writing, to state that statements taken from a defendant who had not been informed of his Miranda Rights, may if the statements are voluntary and trustworthy be used in a warrant affidavit to establish probable cause.

a. United States v. Paterson; F.2d, 9th Cir. 1987

N. SEARCH AND SEIZURE - "PROBABLE CAUSE FOR PLAINVIEW SEARCH OR SEIZURE"

1. The student will be able to orally, or in writing, to state that in order to seize an item under the "plain view doctrine", the officers must have probable cause to believe that the item is in fact contraband or evidence of a crime.

a. Arizona v. Hicks, U.S. 1987

O. SEARCH AND SEIZURE - OPENFIELDS DOCTRINE

1. The student will be able to orally, or in writing, to state that the four factor test the U.S. Supreme Court has established to determine if an area is within the "curtilage of a residence" and therefore entitled to the resident's Fourth Amendment protection.

a. United States v. Dunn, U.S. 1987

LEGISLATIVE UPDATE

January thru June 1987

The purpose of this program is to assist the police officer in understanding recent statutes enacted by the legislature that have an impact on law enforcement. This lesson will focus on the following topics:

- a) MGL Chapter 272, Sec. 77B - Prohibition of exploitation of wild animals - 1/6/87
- b) MGL Chapter 233, Sec. 20K - Domestic violence (counselor confidentiality) - 2/1/87
- c) MGL Chapter 111C, Sec. 6 - Prohibits the impersonation of an Emergency Medical Technician - 12/30/86
- d) MGL Chapter 90, Sec. 7B - School bus - Flashing lights - 1/18/87
- e) MGL Chapter 119, Sec. 51B - Department of Social Services Investigation of child abuse - 1/21/87
- f) MGL Chapter 140, Sec. 129D - Revocation of Firearms Licenses - 1/21/87
- g) MGL Chapter 140, Sec. 131 - Granting of firearms licenses - 1/21/87
- h) MGL Chapter 269, Sec. 10 - Prohibition of possession, manufacture of ballistic knives - 3/1987
- i) MGL Chapter 123, Sec. 12 - Hospitalization of mentally ill - 1987
- j) MGL Chapter 90, Sec. 8 - Liquor Purchase Identification Cards - 3/23/87
- l) MGL Chapter 90, Sec. 22 - Suspension of license/registration for violation of CH 138, Sec. 34B - 3/23/87
- m) MGL Chapter 138, Sec. 34B - Reliance on liquor purchase I.D. card by licensee - 3/23/87
- n) MGL Chapter 90C, Sec. 3 - Penalties for minor motor vehicle offenses - 1/8/87
- o) MGL Chapter 272, Sec. 16 - Legalization of cohabitation - 8/3/87
- p) MGL Chapter 90, Sec. 7AA - Seat belts/child passenger restraints 1987
- q) MGL Chapter 90, Sec. 7 - Gasoline trucks - audible warning system to become effective 1/1/91
- r) MGL Chapter 89, Sec. 7A - Approach of emergency vehicles - 8/3/87

Throughout this program the student is responsible for and should be taking notes in the following:

- a) elements
- b) Statutory fines
- c) Rights to arrest

for each of the laws included in the program.

LEGISLATIVE UPDATE

Miscellaneous Laws of interest  
1986

- a) MGL Chapter 265, Sec. 13D - Assault and battery of employee of the Department of Social Services
- b) MGL Chapter 41, Sec. 97B - Rape preservation of evidence by hospitals 1/2/86
- c) MGL Chapter 138, Sec. 22 - Transportation of liquor - One's own use
- d) MGL Chapter 266, Sec. 28 - Larceny of Motor Vehicle
- e) MGL Chapter 90, Sec. 20 - Failure to have Motor Vehicle inspected
- f) MGL Chapter 138, Sec. 34B - Liquor Purchase Identification Card
- g) MGL Chapter 140, Sec. 131F $\frac{1}{2}$  - Temporary possession/carrying of firearm and blank ammunition
- h) MGL Chapter 269, Secs. 17/18/19; College hazing
- i) MGL Chapter 90, Sec. 7P - Motor Vehicle height alteration
- j) MGL Chapter 231, Sec. 85G - Parental restitution-juvenile misdeeds
- k) MGL Chapter 140, Sec. 183D - Cover charge, cafe/restaurants
- l) MGL Chapter 119, Sec. 60A - Juvenile delinquents - release of name
- m) MGL Chapter 31, Sec. 26 - Preference-son of police officer
- n) MGL Chapter 270, Sec. 6 - Sale of tobacco - minors
- o) MGL Chapter 140, Sec. 12 - Defrauding innkeepers - restaurants
- p) MGL Chapter 231, Sec. 94B - Actions for false arrest, etc. by merchant/innkeeper
- q) MGL Chapter 159B, Sec. 6C - Maximum storage charge for motor vehicles
- r) MGL Chapter 90, Sec. 21 etc. - Minor motor vehicle offenses arrest powers
- s) MGL Chapter 149, Sec. 19B - Use of lie detectors
- t) MGL Chapter 233, Sec. 20 - Child's testimony against parent
- u) MGL Chapter 138, Sec. 2 - Beer-fire damage
- v) MGL Chapter 266, Sec. 112 - Malicious killing of animals
- w) MGL Chapter 265, Sec. 13B - Indecent assault and battery - in capacity to consent
- x) MGL Chapter 93, Sec. 89 - Prohibition of two way mirrors / electronic cameras - in dressing rooms of retail clothing stores
- y) MGL Chapter 90, Sec. 7B - School buses equipment required - mirrors
- z) MGL Chapter 90, Sec. 14 - School buses, failure to stop - penalties
- aa) MGL Chapter 255, Sec. 31C - Lien of jewelers
- bb) MGL Chapter 89, Sec. 4A - Motorcycles - single file - passing
- cc) MGL Chapter 89, Sec. 9 - Motor vehicles blocking intersection
- dd) MGL Chapter 231, Sec. 85G - Shoplifting - liability of parents
- ee) MGL Chapter 231, Sec. 85R $\frac{1}{2}$  - Liability - shoplifting effective date 1/1/87
- ff) MGL Chapter 90, Sec. 7B - Seat belts - school buses
- gg) MGL Chapter 90, Sec. 24N etc. - Safe Roads Act



# SCHEDULE OF PAY-BY-MAIL ASSESSMENTS FOR CIVIL MOTOR VEHICLE INFRACTIONS

ASSESS- MENT	INFRACTION	STATUTE
\$ 20	- Unlawful speed on county bridge	G.L., Chap., Sec.
	- Violation of DPW rule or regulation relative to signs, lights, signal systems, traffic devices and markings	85-20
	- Violation of DPW regulation to direct, govern and restrict the movement of vehicles on State Highways	85-2
	- Violation of DPW regulation limiting access to certain roads(doesn't include dangerous materials)	85-2B
	- Violation of Town ordinance or bylaw regulating the passage of vehicles	85-10
	- Improper transportation of dangerous wild animals	85-19
\$ 25	- Improper placement of flares, nor carrying flares	85-14B
	- Stopping on street railway cars for passage of fire apparatus	89-6A
	- Operation while permitting passenger under 12 yrs to ride w/o safety belt fastened	90-7AA
	- Failure to give proper stopping or turning signal	90-14B
\$ 35	- Making a right turn on red light where prohibited	89-8
	- Not displaying number plates properly	89-8
	- Not keeping number plates clean	90-6
	- Not with proper number plates	90-6
	- Homemade plate permit required	90-6
	- One number plate-failure to display properly	90-6B
	- Number plates not illuminated	90-7
	- Not equipped with mirror	90-7
	- Without lamps	90-7
	- Headlights not proper	90-7
	- Not displaying proper lights	90-7
	- Improper flashing, rotating or oscillating light	90-7,7E
	- No device to prevent vehicle being set in motion	90-7
	- Not proper brakes	90-7
	- Not proper muffler	90-7
	- No horn, bell or other signal	90-7
	- No suitable splash guard	90-7
	- Not wearing protective head gear	90-7
	- No emergency flashers	90-7

INFRACTIONSTATUTE

- No glasses, goggles or face shield 90-7
- No warning system on dump truck 90-7
- Failure to attach emergency chains while towing a trailer 90-7
- Improper equipment or operation of school bus (except operation with excess passengers) 90-7B
- Violation of Registrars regulation on school bus equipment 90-7C
- Violation of Chock Block and flare requirements for school bus 90-7D
- Violation of requirements for vocational school bus 90-7D½
- Improper use of warning device 90-7I
- Improperly marked emergency vehicle 90-7I
- Improper motorcycle handlebars 90-7J
- Removal of pollutant control device 90-7O
- Modification of height of auto, operation of such M.V. 90-7P
- Operating or permitting to be operated a M.V. with too little tread 90-7Q
- Failure to display proper Vehicle I.D. number 90-7R
- Excessive motorcycle sound emissions 90-7U
- Child riding w/o seat belt or restraint 90-7AA
- Operating in violation of restriction of license 90-8
- Operating or permitting to be operated a M.V. equipped with non-safety glass 90-9A
- Operating w/o license or registration on person or in M.V. 90-11
- Failure to exhibit license or registration upon damage or injury 90-11
- Permitting operation by a person who has no legal right 90-12
- Permitting in vehicle or in person that may interfere with or impede proper operation 90-13
- Allowing M.V. to stand unattended w/o shutting off engine, effectively setting brakes or making fast and locking and removing key 90-13
- Failure to use Chock Brakes 90-13
- Operating M.V. equipped w/t.v. visible from drivers seat 90-13
- Improper seating on motorcycle 90-13
- Occupying a trailer or semi-trailer while in motion 90-13

INFRACTIONSTATUTE

- Operating while using headphones 90-13
- Making a turn from the wrong lane of traffic 90-14
- Driving w/in 8 feet of street car stopped for passengers 90-14
- Not exercising car in approaching or passing horse or other animal 90-14
- Not slowing down upon approaching a pedestrain 90-14
- Improper approaching or passing of bicyclist 90-14
- Not slowing down and keeping right of center on approaching intersection or corner where view is obstructed 90-14
- Not right of center lines of intersecting ways before turning to the left 90-14
- Not yieding to oncoming vehicles when making a left turn 90-14
- Violation special regulation of M.V. use, except special speed regulations 90-18
- Improper combination of M.V.'s in transit 90-19C
- Use of improperly marked saddle mount 90-19C
- Operating M.V. or trailer that fails to meet safety standards 90-20
- Failure to report an accident 90-26
- Failing to report change of name and address 90-26A
- Violation of rule or regulation of the registrar 90-31
- Violation of rule or regulation as to transportation by M.V.'s of personal property 90-31A
- Violation of DPW regulation excluding persons and vehicles from state highways 85-2E
- Violation of gubernatorial by-law on ways of the Commonwealth 85-23
- Failure to stop at sign or signal at intersection 89-9
- Failure of non-resident student to register 90-3
- Operating w/military plates w/o authority 90-5A
- Failure to slow or stop at railway crossing 90-15
- Studded tires out-of-season (May 1-Nov 1) 90-16
- Unlawfully designed or malfunctioning exhaust 90-16
- Operating so as to make a harsh, objectionable, or unreasonable noise 90-16
- Unlawful use of siren or spotlight 90-16
- Making or permitting unnecessary noise by muffler horn, etc. 90-16

\$ 50	- Operating or permitting to be operated on excluded way	90-16
	- Permitting illegal escape of smoke or pollutants	90-16
	- Running or permitting to be run M.V. engine in excess of 5 minutes	90-16A
	- Operating at speed greater than reasonable or proper ( 0-10mph over \$50- each mile over 10's an additional \$20 per mile)	90-17
	- Violating special speed regulation	90-17
	- Failure of owner to have safety and emissions inspection	90-18
	- Owner allowing operation w/out certificate of inspection or rejected displayed	90-7A
\$ 100	- Violation of Town ordinance or By-Law regulating transportation of offal or slaughtered animals	85-10
	- Excessive speeds with metal tired vehicles	85-31
	- Failure to move to right hand curb and stand still until fire apparatus has passed	89-7A
	- Driving w/i 300 ft. of apparatus going to fire	89-7A
	- Failure to yield to pedestrian in crosswalk	89-11
	- Passing a vehicle stopped for pedestrian in crosswalk	89-11
	- Obstructing a pedestrian crosswalk	89-11
	- Unlawfully attached official plates (Handicap)	90-2
	- Not seasonably to right for vehicle approaching from opposite direction	89-1
	- Improper passing	89-2
	- Failure to keep on right, obstructed view	89-4
	- Weaving between lanes	89-4A
	- Motorcycles more than 2 abreast, not single file while passing	89-4A
	- Failure to keep in right lane	89-4B
	- Violation of left lane exclusion of heavy vehicles	89-4C
	- Failure to return number plates from repossessed vehicles	90-6C
	- Operating, pushing, drawing or towing unregistered motor vehicle or trailer	90-9
	- Owner or custodian permitting operation, pushing, drawing unregistered	90-9

ASSESS-  
MENT

\$ 100

INFRACTION

STATUTE

- Operating, pushing, drawing or towing M.V. or trailer w/out displaying registration number 90-9
- Owner or custodian permitting operation, pushing drawing or towing M.V. or trailer w/out displaying registration number 90-9
- Operating, Pushing, drawing or towing of a M.V. not properly equipped 90-9
- Owner or custodian permitting operation, pushing or drawing of a M.V. not properly equipped. 90-9
- Failure to yield to a blind person 90-14A
- Operating over-sized vehicle w/o permit 90-19
- Operating at speed greater than reasonable or proper while overweight 90-20
- \* \$150- second offense in 12 month period
- \* \$300- third offense in 12 month period

720 CMR: DEPARTMENT OF PUBLIC WORKS

720 CMR 9.00: DRIVING ON STATE HIGHWAYS\*

Section

- 9.01: Definitions
- 9.02: Dangerous Articles
- 9.03: Parking
- 9.04: Tow Away Zones
- 9.05: One-Way and Rotary Traffic
- 9.06: Operation of Vehicles
- 9.07: Exemptions
- 9.08: Limited Access and Express State Highways
- 9.09: Pedestrian Regulations

These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication, any rule or any part of a rule is made dependent upon another rule or part thereof.

9.01: Definitions

For the purpose of these rules the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

Bicycle. Any wheeled vehicle propelled by pedals and operated by one or more persons.

Bus. Every vehicle designed for carrying more than eight (8) passengers and used primarily for the transportation of persons either for compensation, as a service, or as an adjunct to a school program.

Bus Stop. An area in a roadway set aside for the boarding of or alighting from buses.

Caution Signal. A flashing yellow signal having the same general function as a warning sign.

Channelizing Island. A traffic island located to guide traffic streams along certain definite paths and to prevent the promiscuous movement of vehicles in what would otherwise be a widely extended roadway area.

Commercial Vehicle. Any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise.

Container. Any drum, barrel, cylinder, bag, carboy or other shipping vessel (other than a tank vehicle) used for the transportation of dangerous articles.

Crossover. An opening in a channelizing island that connects both sides of a divided highway.

Crosswalk. That portion of a roadway ordinarily included within the extensions of the sidewalk lines, or, if none then the footpath lines, and, at any place in a highway, clearly indicated for pedestrian crossing by lines or markers upon the roadway surface.

Curb Marking. That portion of a curbing which has been painted by the Department of Public Works.

Department. The Department of Public Works of the Commonwealth of Massachusetts.

\* 720 CMR 9.00 was incorrectly published 1/1/78 as 540 CMR 3.00 (Registry of Motor Vehicles)



MOTOR  
VEHICLE  
LAW  
UPDATE





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Motor Vehicle Law

1. MGL Chapter 89, Section 1
2. MGL Chapter 89, Section 2
3. MGL Chapter 89, Section 3
4. MGL Chapter 89, Section 4
5. MGL Chapter 89, Section 4A
6. MGL Chapter 89, Section 4B
7. MGL Chapter 89, Section 4C
8. MGL Chapter 90, Section 21 - Right to Arrest
9. MGL Chapter 90, Section 10 - Right to Arrest
10. MGL. Chapter 90, Section 11 - Right to Arrest
11. MGL. Chapter 90, Section 24 - Right to Arrest
12. MGL. Chapter 90, Section 25 - Right to Arrest

# NEW BEDFORD POLICE TRAINING BULLETIN



PREPARED BY: CAPTAIN RAYMOND EUGENIO

## Chapter 83

### MOTOR VEHICLE--OPERATION WITHOUT LICENSE--PENALTY INCREASE

An act increasing the penalty for operating a motor vehicle by operators not duly licensed.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 20 of chapter 90 of the General Laws, as appearing in section 83 of chapter 557 of the acts of 1986, is hereby amended by inserting after the word "period", in line 7, the words:- ;provided,however, that any person convicted of operating a motor vehicle without having been issued a license by the registrar shall be punished by a fine of not less than one-hundred nor more than two-hundred dollars.

SECTION 2. Section 21 of said chapter 90 is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 794 of the acts of 1985, and inserting in place thereof the following paragraph:-

Any officer authorized to make arrests may arrest without a warrant and keep in custody for not more than twenty-four hours, unless a Saturday, Sunday or a legal holiday intervenes, any person who, while operating a motor vehicle on any way, as defined in section 1, violates the provisions of the first paragraph of section ten of chapter ninety. Any arrest made pursuant to this paragraph shall be deemed an arrest for the criminal offense

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# NEW BEDFORD POLICE TRAINING BULLETIN



PREPARED BY: CAPTAIN RAYMOND EUGENIO

fraction arising out of the same incident.

Approved May 22, 1987

Effective August 20, 1987

## COMMENT:

This legislative enactment represents a major change in the motor vehicle law. As of August 20, 1987 police officers will have the authority to arrest solely for violations of the first paragraph of S:10 of C90 WITHOUT THE PAST ADDITIONAL REQUIREMENT OF (a), "VIOLATION OF ANY STATUTE, BY-LAW, ORDINANCE, or REGULATION, RELATING TO THE OPERATION OR CONTROL OF MOTOR VEHICLES....," also having taking place. In short, the common motor vehicle violation of " Unlicensed operator," will be arrestable by statute.

Set out below is the first paragraph of Section 10, Chapter 90, as most recently amended:

No person under sixteen years of age shall operate a motor vehicle upon any way.

No other person shall so operate unless licensed by the registrar unless he possesses a receipt issued under section eight for persons licensed in another state or country or unless he possesses a valid learners permit issued under section eight B, except as is otherwise herein provided or unless he is the spouse of a member of the armed forces of the United States who is accompanying such member on military or naval assignment to this Commonwealth and who has a valid operators license issued by another state, or unless he is on active duty in the armed forces of the United States and has in his possession a license to operate motor vehicles issued by the state where he domiciled or unless

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# NEW BEDFORD POLICE

## TRAINING BULLETIN



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PREPARED BY: CAPTAIN RAYMOND EUGENIO

he is a member of the armed forces of the United States returning from active duty outside the United States, and has in his possession a license to operate motor vehicles issued by said armed forces in a foreign country, but in such case for a period of not more than forty-five days after his return.

The motor vehicle of a non-resident may be operated on the ways of the Commonwealth in accordance with section three by its owner or by any nonresident operator without a license from the registrar if the nonresident operator is duly licensed under the laws of the state or country where such vehicle is registered and has such license on his person or in the vehicle in some easily accessible place.

Subject to the provisions of section three, a nonresident who holds a license under the laws of the state or country in which he resides may operate any motor vehicle of a type which he is licensed to operate under said license, duly registered in this Commonwealth or in any state or country; provided, that he has the license on his person or in the vehicle in some easily accessible place, and that, as finally determined by the registrar, his state or country grants substantially similar privileges to residents of this Commonwealth and prescribes and enforces standards of fitness for operations of motor vehicles substantially as high as those prescribed and enforced by this Commonwealth.

I. TOPIC: MGL. CHAPTER 90 SECTION 21

A. OBJECTIVE

1. At the conclusion of this lesson, the student will be able, orally or in writing, to state the following significant changes to MGL. Ch. 90 Section 21, arrest without warrant which took effect on August 20, 1987.

B. PROCEDURE:

The instructor should explain and discuss by use of a handout chart or other means the following sections of MGL. Ch. 90 Section 21 which authorize a police officer to make an arrest without a warrant.

1. Any officer authorized to make arrests may arrest without a warrant and keep in custody for not more than twenty-four hours, unless a Saturday, Sunday or a legal holiday intervenes, any person who, while operating a motor vehicle on any way, as defined in section 1, violates the provisions of the first paragraph of section ten of chapter ninety. Any arrest made pursuant to this paragraph shall be deemed an arrest for the criminal offense or offenses involved and not for any civil motor vehicle infraction arising out of the same incident.
2. The first paragraph of section 10 reads thusly:

No person under sixteen years of age shall operate a motor vehicle upon any way.

No other person shall so operate unless licensed by the registrar unless he possesses a receipt issued under section eight for persons licensed in another state or country or unless he possesses a valid learners permit issued under section eight B, except as is otherwise herein provided or unless he is the spouse of a member of the armed forces of the United States who is accompanying such member on military or naval assignment to this Commonwealth and who has a valid operators license issued by another state, or unless he is on active duty in the armed forces of the United States and has in his possession a license to operate motor vehicles issued by the state where he domiciled, or unless he is a member of the armed forces of the United States returning from active duty outside the United States, and has in his possession a license to operate motor vehicles issued by said armed forces in a foreign country, but in such case for a period of not more than forty-five days after his return.

The motor vehicle of a non-resident may be operated on the ways of the Commonwealth in accordance with section three by its owner or by any nonresident operator without a license from the registrar if the nonresident operator is duly licensed under the laws of the state or country where such vehicle is registered and has such license on his person or in the vehicle in some easily accessible place.

Subject to the provisions of section three, a nonresident who holds a license under the laws of the state or country in which he resides may operate any motor vehicle of a type which he is licensed to operate under said license, duly registered in this Commonwealth or in any state or country; provided, that he has the license on his person or in the vehicle in some easily accessible place, and that, as finally determined by the registrar, his state or country grants substantially similar privileges to residents of this Commonwealth and prescribes and enforces standards of fitness for operations of motor vehicles substantially as high as those prescribed and enforced by this Commonwealth.

3. In summary, pursuant to Chapter 90, section 21, arrests without a warrant can be made in the following cases involving operation of a motor vehicle: (All must take place in the presence of an officer, except operating motor vehicle under influence of liquor, etc.)
  - a) A violation of the first paragraph of section 10:
  - b) Operating motor vehicle after suspension or revocation of license, or of right to operate;
  - c) Operating a motor vehicle while under the influence of intoxicating liquor, etc.;
  - d) Knowingly using a motor vehicle without authority of the owner;
  - e) Leaving the scene of an accident involving personal injury;
  - f) Any violation of Chapter 90, section 25: (person must be operating or in charge)
    1. Refusal to give name and address of self; or of owner of motor vehicle;
    2. Giving a false name or address;
    3. Refusing or neglecting to stop when signaled to stop by any police officer;

4. Refusing on demand to produce license or registration; or refusing to allow officer to take them in hand for examination;
5. Refusing on demand to sign his/her name; not applicable to signing of motor vehicle citation;
6. Refusing or neglecting to turn over his license, registration, or registration plat when demanded to do so.

C. EVALUATION

1. The instructor should utilize group and individual discussion and participation as a way of measuring group and individual understanding.
2. The post test should be utilized to determine individual comprehension.

## Training Bulletin 22-87

# Boston Police Academy



P.O. Joseph T. Devlin, Jr.

### Chapter 90 Section 21 - Arrest Without Warrant

Any officer authorized to make arrests may arrest without a warrant:

#### I. Operating Without being Licensed

Any person who violates the provisions of the first paragraph of Chapter 90 section 10, Operation of Motor Vehicle Without License (in presence right of arrest only).

A person would be violating the provisions of Ch 90 sec 10, para 1, if he were either:

- a. under sixteen years of age,
- b. a resident of Massachusetts over 16 years of age but not licensed by the Registrar of the Commonwealth of Massachusetts,
- c. a non-resident who is licensed under the laws of another state or country but who fails to have his license on his person or in the vehicle in some easily accessible place.

1. Resident Operators - If a person claims to be licensed by the Registrar but cannot produce a Massachusetts driver's license, the officer is obligated to do a license check with the Registry of Motor Vehicles to confirm whether or not the violator is licensed. If the license check reveals that the violator is licensed, then there is no right of arrest without a warrant. The officer would merely issue the citation for the original violation plus an additional charge for failing to carry a driver's license in his possession while operating a motor vehicle, Ch 90 sec 11. You cannot arrest a resident operator for an ordinary moving violation if you can prove that the violator is a licensed operator.

2. Non-resident Operators - A non-resident operator must carry his out of state driver's license either on his person or in some easily accessible place in the motor vehicle. An officer does not have to attempt a license check on a non-resident operator since the law gives you the power to arrest a non-resident if he operates a motor vehicle in your presence and fails to carry his license either on his person or in an easily accessible place in the motor vehicle.

#### II. LLARS.

Chapter 90 section 21 also allows any officer who is authorized to make arrests, provided such officer is in uniform or conspicuously displaying his

badge of office, to arrest without a warrant any person, regardless of whether or not such person has in his possession a license to operate motor vehicles issued by the Registrar...

**Leaving** ... If such person upon any way or place to which the public has a right of access as invitees or licensees, operates a motor vehicle, and without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any person. This is an "in presence" right of arrest only. [Ch 90 sec 24, (2) (a)]

**Influence** ...whoever upon any way or place to which the public has the right of access, or upon any way or in any place to which members of the public have access as invitees, or who the officer has probable cause to believe has or is operating a motor vehicle while under the influence of intoxicating liquor, marijuana or narcotic drugs, or depressant or stimulant substances, as defined in Ch 94C, section 1, or under the influence of the vapors of glue, carbon tetrachloride, acetone, ethylene, dichloride, toluene, chloroform, xylene or any combination thereof... Note that your right of arrest for operating under the influence is both an "in presence" and a "probable cause" right of arrest. [Ch 90 sec 24 (a) (1)]

**Authority** ...whoever uses a motor vehicle without authority knowing such use is unauthorized... Right of arrest is "in presence" only. [Ch 90 sec 24 (2) (a)]

**Refuses** ...or any person who, while operating or in charge of a motor vehicle, violates the provisions of Ch 90 sec 25, Refusal to Submit to Police Officer. Right of arrest is "in presence" only.

A person is violating Ch 90 sec 25 if he:

1. Refuses to give his name and address or the name and address of the owner of the vehicle.
2. Gives a false name or address.
3. Refuses or neglects to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment.

4. Refuses to produce his license to operate or certificate of registration on demand of a police officer. (Note: Failure to produce a license because he does not have it with him is not a refusal.)

5. Refuses to permit an officer to take the operator's license or certificate of registration in hand for the purpose of examination.

6. Refuses on demand of such officer to sign his name in the presence of such officer. (Note: Under Ch 90C sec 2, when you give a citation to a violator to sign, you are requesting that he sign—not demanding.)

7. On demand of a police officer or other person authorized by the Registrar, without a reasonable excuse, fails to deliver his license to operate or the certificate of registration of any motor vehicle operated or owned by him or the number plates furnished by the Registrar.

8. Refuses or neglects to produce his license when requested by a court or trial justice...

**Suspension** ...whoever upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees, operates a motor vehicle after his license or right to operate motor vehicles in this state has been suspended or revoked by the Registrar. Right of arrest is "in presence" only. (Ch 90 sec 23)

### Chapter 90 Felonies

1. Ch 90 sec 24 (2) (a) Using without authority - second offense. The suspect must have had a prior conviction, not just a prior arrest.

2. Ch 90 sec 24B Forgery, alteration, stolen or counterfeited registry documents or possession or uttering thereof, etc....

3. Ch 90 sec 24G (a) Homicide by motor vehicle while both :  
a. operating under the influence and  
b. operating recklessly or negligently so that the lives or safety of the public might be endangered.

4. Ch 90 sec 24L (1) Operating under the influence resulting in serious bodily injury.

Remember—in all felony cases you have a right of arrest without a warrant both:

- a. in presence, or
- b. on probable cause

## Training Bulletin 1-88

# Boston Police Academy



P.O. Joseph T. Devlin, Jr.

### Law Change - Legal Update

Effective on January 4, 1988, the civil assessments (fines) will be increased to one hundred dollars for the following offenses:

**Ch 89 sec 1 - Meeting Vehicles:** requires vehicles which approach each other from opposite directions on a way to each keep to the right of the center lane so that they may pass each other without difficulty.

**Ch 89 sec 2 - Overtaking Vehicles:** requires that a vehicle passing another vehicle pass at a safe distance to the left of the other vehicle and that the vehicle being passed must not unnecessarily obstruct the vehicle that is passing. Unless passing on the right is permitted, a vehicle that is being passed must give way to the right in favor of the vehicle trying to pass on seeing a visible signal (headlights flashing) and cannot increase his speed until completely passed by the other vehicle.

Passing on the right is permitted if the roadway is free from obstruction and is wide enough for at least two lanes of traffic moving in the same direction AND

- a. vehicle being passed is making or about to make a left turn.
- b. or vehicle being passed is on a one way street.
- c. or vehicle is upon any roadway on which traffic is restricted to one direction of movement (divided highway).

**Ch 89 sec 3 - Bells on Sleigh or Sled:** requires that a sleigh or sled drawn by a horse have at least three bells attached to the harness.

**Ch 89 sec 4 - Obstructed View, Keeping to Right:** Allows cities, towns and the DPW to create no passing zones either by posting signs or painting the roadway with restrictive markings (solid center line). Requires that in addition to the above, no person may pass unless they have a clear unobstructed view for at least 400 feet. Also requires that a slow moving vehicle going up a steep grade must keep their vehicle in the extreme right hand lane until the top of the grade is reached.

**Ch 89 sec 4A - Vehicles in Single Lane:** Requires that a person keep their vehicle entirely within the lane that they are driving in (no lane straddling)

and that they must not move from their lane without first making sure that it can be done safely (no improper lane changes - weaving between lanes). Restricts motorcycles to riding alongside no more than one other motorcycle in the same lane and to riding single file while passing another vehicle. A motorcycle may not pass another vehicle in the same lane unless it is another motorcycle. (Use this section for a motorcycle that pulls up between two rows of vehicles that are waiting at a traffic light.).

**Ch 89 sec 4B - Lane Nearest Right Side of Way:** Requires that all drivers keep their vehicle in the lane nearest the right side of the way when such lane is available for travel **UNLESS:**

- a. passing another vehicle.
- b. or preparing to make a left hand turn.

If the extreme right hand lane is not a lane that is supposed to be travelled in (a break down lane), then a driver must travel in the lane immediately next to that lane unless overtaking another vehicle or making a left hand turn.

**Ch 89 sec 4C - Heavy Commercial Vehicles:** Requires that on any highway that has more than two lanes in the same direction, commercial vehicles over 2 1/2 tons may only travel in the extreme right hand lane, unless they are passing another vehicle in which case they may use the lane immediately next to the extreme right hand lane.

IN-SERVICE TRAINING  
STUDENT RULES AND REGULATIONS

RULE #1 APPERANCE

- 1-1 Students shall be well groomed in keeping with department standards.
- 1-2 Students shall wear the authorized department uniform at all times. The sidearm and duty belt are optional, unless they are required for training.

RULE #2 BEHAVIORAL STANDARDS

- 2-1 INTEGRITY - The integrity of the student must be unquestioned and of the highest degree. Students must be truthful at all times, and any form of cheating in academic work will be cause for immediate dismissal.
- 2-2 SENSITIVITY - Students are expected to be sensitive to, and have tolerance for concerns, opinions, and backgrounds of others, whether students or instructors. Students are expected to be especially sensitive to racial and ethnic backgrounds of others with whom they have contact, whether in the field or in the classroom.
- 2-3 EFFORT - Students are expected to apply themselves at their maximum effort at all times. They are to seek the achievement of excellence in all they do, whether academically, physically, or practically.
- 2-4 MANNER - Students are expected to conduct themselves in a professional manner - with decorum - at all times, whether in the classroom or on a field assignment.
- 2-5 INQUISITIVENESS - Students are to seek knowledge of things they do not know about. Questions to the instructors are encouraged, so long as the student conducts himself/herself in a respectful and sensitive manner.
- 2-6 ABILITY TO FOLLOW ORDERS - Students are expected to immediately respond to instructions and directions of instructors and superior officers. Students will be held accountable for their actions or lack of action when direction is given. Students are expected to adhere to the normal chain of command at all times. They are expected to abide by the rules and regulations of their department, the Massachusetts Criminal Justice Training Council, and any additional regulations promulgated by the In-Service Training Academy.

- 2-7 SMOKING - Smoking is not allowed in the classroom. It is allowed only in those areas designated by the Program Coordinator.
- 2-8 BEVERAGES/FOOD - Beverages and food are not to be consumed during classroom instruction.
- 2-9 No sunglasses shall be worn in the classroom. Tinted prescription glasses may be worn in the classroom provided that the student verifies the necessity of such glasses by medical evidence.
- 2-10 While on duty at the Academy, or while at any scheduled Academy activity no student will use or possess alcohol in any form. Nor shall a student use, or be found in possession of any controlled substance as defined in M.G.L. Chapter 94C, Section 31: Violation of this regulation will be grounds for immediate dismissal from the In-Service program and subject the violator to disciplinary action by his/her department.

#### RULE #3 MEDICAL AND PHYSICAL

- 3-1 All students are required upon entry to inform the Program Coordinator if they are using any form of medication and the necessity for it.
- 2 All students are required to report any incapacitating injury or illness to the Program Coordinator immediately.
- 3-3 The Program Coordinator may dismiss a student from a class segment if he/she has reason to believe that the student's physical condition is such that the student cannot adequately participate in a required class exercise. The Program Coordinator shall notify the head of the student's department of the dismissal.

#### RULE #4 ATTENDANCE

- 4-1 The hours of the Foxboro Training Center In-Service Training Program shall be from 8:30 a.m. to 3:30 p.m., with  $\frac{1}{2}$  hour for lunch. It is recommended that the students bring a bag lunch as there are no nearby fast food restaurants.
- 4-2 In the event of sickness, or other reason for absence, a student shall notify his/her department in accordance with department policy. The student shall also notify the Program Coordinator of the absence and the circumstances.
- 4-3 The Program Coordinator shall notify the student's department of all absences.

- 4-4 The In-Service Training Program does not close due to snow storms. Any cancellations due to weather will be announced on the radio.
- 4-5 To be eligible for a certificate of completion all absences and deficiencies must be made up within ninety (90) days of the completion date of the program attended.

#### RULE #5 MISCELLANEOUS ACADEMY REGULATIONS

- 5-1 ADMINISTRATION AREA - Students are not allowed in the Administration area unless given permission by the Program Coordinator. Students shall remain in their break area of the building.
- 5-2 RECRUIT ACADEMY - Students shall avoid any contact with the police recruits. Students should be aware of their presence while going to and coming from their break area and restroom area.
- 5-3 USE OF TELEPHONE AND MESSAGES - Any phone messages received by the Academy shall be posted on the message board. Students are encouraged to check the message board frequently. A pay phone is available to all students during their break time.
- 4 POCKET MASKS - Students should bring any department issued pocket masks on the first day, for the CPP.R. Class.



1988/1

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:30 PRETEST LEGAL UPDATE	HAZARDOUS MATERIALS	OFFICER SURVIVAL	1ST RESPONDER	RANGE SAFETY USE OF FORCE
M.V. LAW UPDATE	AUTO THEFT	SPECIAL PERSONS	CPR	RANGE

FOXBORO POLICE ACADEMY  
S.S.P.I.  
IN-SERVICE TRAINING FY 89

WEEK # 1	OCT 31 - NOV 4, 1988	WEEK #11	MAR 27- MAR 31, 1989
WEEK # 2	NOV 14 - NOV 18, 1988	WEEK #12	APR 3 - APR 7, 1989
WEEK # 3	NOV 28 - DEC 2, 1988	WEEK #13	APR 10 - APR 14, 1989
WEEK # 4	DEC 5 - DEC 9, 1988	WEEK #14	APR 24 - APR 28, 1989
WEEK # 5	DEC 12 - DEC 16, 1988	WEEK #15	MAY 1 - MAY 5, 1989
WEEK # 6	JAN 23 - JAN 27, 1989	WEEK #16	MAY 8 - MAY 12, 1989
WEEK # 7	JAN 30 - FEB 3, 1989	WEEK #17	MAY 15 - MAY 19, 1989
WEEK # 8	FEB 27 - MAR 3, 1989	WEEK #18	MAY 22 - MAY 26, 1989
WEEK # 9	MAR 6 - MAR 10, 1989	WEEK #19	JUNE 5 - JUNE 9, 1989
WEEK #10	MAR 20 - MAR 24, 1989	WEEK #20	JUNE 12 - JUNE 16, 1989

MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL  
IN-SERVICE TRAINING PROGRAM EVALUATION

1. WHAT IS YOUR OVERALL EVALUATION OF THIS TRAINING?

\_\_\_\_\_ VERY STRONG \_\_\_\_\_ STRONG \_\_\_\_\_ MODERATE \_\_\_\_\_ FAIR \_\_\_\_\_ POOR

PLEASE RATE INSTRUCTOR QUALITIES

2. TOPIC LEGAL UPDATE INSTRUCTOR \_\_\_\_\_

10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1

WELL PREPARED NOT PREPARED  
VERY KNOWLEDGEABLE LIMITED KNOWLEDGE  
VERY ENTHUSIASTIC NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

3. TOPIC M.V.LAW UPDATE INSTRUCTOR \_\_\_\_\_

10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1

WELL PREPARED NOT PREPARED  
VERY KNOWLEDGEABLE LIMITED KNOWLEDGE  
VERY ENTHUSIASTIC NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

4. TOPIC HAZARDOUS MATERIALS INSTRUCTOR \_\_\_\_\_

10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1

WELL PREPARED NOT PREPARED  
VERY KNOWLEDGEABLE LIMITED KNOWLEDGE  
VERY ENTHUSIASTIC NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

5. TOPIC AUTO THEFT INSTRUCTOR \_\_\_\_\_

10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1

WELL PREPARED NOT PREPARED  
VERY KNOWLEDGEABLE LIMITED KNOWLEDGE  
VERY ENTHUSIASTIC NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

6. TOPIC OFFICER SURVIVAL INSTRUCTOR \_\_\_\_\_

10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1
10	9	8	7	6	5	4	3	2	1

WELL PREPARED NOT PREPARED  
VERY KNOWLEDGEABLE LIMITED KNOWLEDGE  
VERY ENTHUSIASTIC NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

7. TOPIC SPECIAL PERSONS INSTRUCTOR \_\_\_\_\_

WELL PREPARED	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT PREPARED
VERY KNOWLEDGEABLE	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	LIMITED KNOWLEDGE
VERY ENTHUSIASTIC	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

8. TOPIC 1ST RESPONDER INSTRUCTOR \_\_\_\_\_

WELL PREPARED	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT PREPARED
VERY KNOWLEDGEABLE	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	LIMITED KNOWLEDGE
VERY ENTHUSIASTIC	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

9. TOPIC C.P.R. INSTRUCTOR \_\_\_\_\_

WELL PREPARED	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT PREPARED
VERY KNOWLEDGEABLE	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	LIMITED KNOWLEDGE
VERY ENTHUSIASTIC	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

10. TOPIC USE OF FORCE INSTRUCTOR \_\_\_\_\_

WELL PREPARED	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT PREPARED
VERY KNOWLEDGEABLE	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	LIMITED KNOWLEDGE
VERY ENTHUSIASTIC	<u>10</u> <u>9</u> <u>8</u> <u>7</u> <u>6</u> <u>5</u> <u>4</u> <u>3</u> <u>2</u> <u>1</u>	NOT ENTHUSIASTIC

COMMENTS: \_\_\_\_\_

11. HOW WERE YOU TREATED BY THE TRAINING CENTER STAFF?  
EXCELLENT GOOD FAIR POOR

12. ADDITIONAL COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
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WELCOME TO S.S.P.I.  
(SOUTH SUBURBAN POLICE INSTITUTE)

THE STAFF AND INSTRUCTORS OF THE SOUTH SUBURBAN POLICE INSTITUTE AND THE CRIMINAL JUSTICE TRAINING CENTER, FOXBORO, WANT TO WELCOME YOU TO THE FIFTH YEAR OF IN-SERVICE TRAINING FOR THE POLICE DEPARTMENTS IN SOUTHEASTERN MASSACHUSETTS. IF THERE IS ANYTHING WE AT THE ACADEMY CAN DO, OR HAVE OVERLOOKED, PLEASE DO NOT HESITATE TO CONTACT ME, OR ANY OF MY STAFF.

REGULATIONS

- 1.) CLASSES RUN FROM 8:30-3:30, MONDAY THROUGH FRIDAY.
- 2.) PARKING FOR ALL STUDENTS WILL BE TO THE REAR OF THE BUILDING, NEAR THE GYMNASIUM.
- 3.) SHOULD YOU HAVE COURT DURING THE WEEK, PLEASE INFORM SOMEONE ON THE ACADEMY STAFF OF THE DAY AND TIME YOU WILL BE GONE. CLASS TIME MISSED MUST BE MADE UP SOME OTHER WEEK PRIOR TO ISSUANCE OF A CERTIFICATE OF COMPLETION.
- 4.) PLEASE FOLLOW THE SIGNS FOR RESTROOMS.
- 5.) EACH WEEK A CLASS LEADER IS SELECTED TO ASSIST INSTRUCTORS AND ORDER LUNCHES FOR THE CLASS. LUNCHES CAN BE ORDERED BY SIGNING UP FOR MEALS IN THE CAFETERIA UTILIZING THE MENU ON THE WALL. AFTER COMPLETING THIS FORM, PLACE YOUR MONEY IN THE ENVELOPE PROVIDED. THE CLASS LEADER WILL THEN CALL IN THE ORDER BY 10:00 AM.  
A MICROWAVE AND REFRIGERATOR ARE PROVIDED FOR YOUR USE SHOULD YOU DECIDE TO BROWN BAG YOUR LUNCH.
- 6.) PLEASE DO NOT TALK TO OR DISTURB THE RECRUITS.
- 7.) YOUR MOTHER DOES NOT WORK HERE. WE ARE NOT TAKING THE PLACE OF YOUR MOTHER. PLEASE PICK UP AFTER YOURSELF.
- 8.) NO SMOKING IS ALLOWED IN THE BUILDING. IF YOU MUST SMOKE, YOU MUST GO OUTSIDE.
- 9.) DUE TO THE NUMBER OF DIFFERENT CLASSES USING THIS FACILITY, COFFEE BREAKS TIMES MUST BE STRICTLY ENFORCED.

COFFEE BREAKS

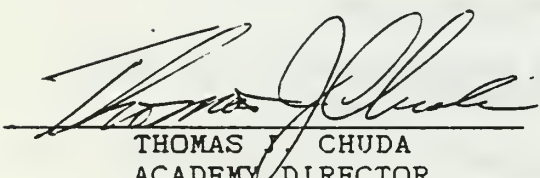
9:20	10:20	11:20	1:20	2:20
LUNCH				
11:50	-12:20	MONDAY, WEDNESDAY, THURSDAY		
11:30	-12:00	TUESDAY AND FRIDAY		

- 10.) THE TELEPHONE NUMBER FOR S.S.P.I. IS 543-6727 IN CASE OF SICKNESS OR EMERGENCY.

- 11.) COFFEE AND TEA IS PROVIDED AT \$5.00 PER WEEK. PLEASE GIVE YOUR DONATIONS TO THE CLASS LEADER.
- 12.) UNIFORMS ARE TO BE WORN EACH DAY, NO MATTER WHAT YOUR RANK, TITLE, OR DUTY POSITION.
- 13.) INSTRUCTORS REQUEST THAT YOUR LEATHER GEAR AND WEAPON BE BROUGHT TO CLASS ON WEDNESDAY AND FRIDAY.

#### ADMINISTRATIVE

- 1.) TO RECEIVE A CERTIFICATE OF COMPLETION, YOU MUST ATTEND ALL CLASSES AND SCORE A MINIMUM OF 70% ON EACH TEST.
- 2.) TO QUALIFY ON THE RANGE, YOU MUST SCORE A MINIMUM OF 80%.
- 3.) OFFICERS ARE ENCOURAGED TO BRING AT LEAST 180 ROUNDS OF AMMUNITION TO THE RANGE.

  
THOMAS J. CHUDA  
ACADEMY DIRECTOR

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9.01: continued

Divided Highway. A highway with separated roadways for traffic in opposite directions.

Emergency Vehicle. Vehicles of the Fire Department (Fire Patrol), police vehicles and such ambulances and emergency vehicles of federal, state or municipal departments or public service corporations as are commonly recognized as such.

Express State Highway. A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

Highway. The entire width between property lines of any state highway or lawful through way designated by the Department.

Highway Traffic Signals. Any power-operated traffic control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected by the Department of Public Works.

Intersection. The area embraced within the extensions of lateral curb lines, or, if none, then the lateral boundary lines, of intersection ways as defined in M.G.L. c.90, s. 1, including divided ways.

The rules and regulations herein contained governing and restricting the movement of vehicles on state highways at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined.

Lane. A longitudinal division of a roadway of sufficient width to accommodate the passage of a single line of vehicles, whether or not such lane is indicated by pavement markings or longitudinal construction joints.

Limited Access Highway. An express state highway with full control of access.

Officer. Any police officer or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Official Signs. Signals, markings and devices. All signs, signals, markings and devices installed or maintained by the Department.

One-Way Highways. Roadways or streets, designated by the Department as one-way and upon which vehicular traffic may move only in the direction indicated by signs.

Parking. The stopping or standing of a vehicle whether occupied or not, otherwise than temporarily, except that a vehicle shall not be deemed parked when stopped or standing for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic control signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

Pedestrian. Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

Roadway. That portion of a highway between regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Rotary Traffic. The counter-clockwise operation of a vehicle around an island or other structure in the highway.

Sidewalk. That portion of a highway set aside for pedestrian travel.

Stop Signal. A Flashing Red Signal having the same function as a stop sign and erected by the Department of Public Works.

9.01: continued

Street Marking. Any painted line, legend, marking or marker of any description painted or placed on any way by the Department and which purports to direct or regulate traffic.

Tank Vehicle. Any tank type motor vehicle with cargo tank, portable tank or bulk pyramided cylinders, used for the transportation of liquids or gases.

Traffic. Pedestrians, ridden or herded animals, vehicles, street cars or other conveyances either singly or together while using any highway for the purpose of travel.

Traffic Control Signal. A Highway traffic signal which, through its indications, alternately directs traffic to stop and permits it to proceed and which has been erected by the Department of Public Works.

Traffic Island. Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

U Turn. The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

Urban Area. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

9.02: Dangerous Articles

The following shall constitute dangerous articles: explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances and radioactive materials as hereinafter defined.

Dangerous articles shall also mean any non-flammable compressed gas which is poisonous or lachrymatory to human beings or which has an irritating, asphyxiating or toxic effect when breathed in small concentrations.

(1) Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

(2) Flammable Liquid. Any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open cup tester, as used for test of burning oils) at or below a temperature of 200°F.

(3) Flammable Solid. Any substance, other than an explosive, which is liable under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing processing.

(4) Oxidizing Material. Any substance such as chlorate, permanganate, peroxide or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.

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9.02: continued

(5) Corrosive Liquid. Any acid, alkaline caustic liquid or other corrosive liquid which when in contact with living tissue will cause severe damage of such tissue by chemical action; or in the case of leakage will materially damage or destroy other materials by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.

(6) Compressed Gases. Any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F. or an absolute pressure exceeding 104 pounds per square inch at 130°F or both; or any liquid flammable material having a Reid\* vapor pressure exceeding 40 pounds per square inch absolute at 100°F.

(7) Poisonous Substances. Liquids and gases of such nature that a very small amount of the gas or vapor of the liquid, mixed with air is dangerous to life; or such liquid or solid substances as upon contact with fire or when exposed to air give off dangerous intensely irritating fumes; or substances which are chiefly dangerous by external contact with the body or by being taken internally.

(8) Radioactive Material. Any material or combination of materials that is capable of spontaneous emission of ionizing radiation.

9.03: Parking

(1) Restricted Places. No person shall stand or park any vehicle in any street, way or highway under the control of the Department and no person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way or highway under the control of the Department in violation of any rules of the Department and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal.

- (a) Within a crossover.
- (b) Within an intersection.
- (c) Upon any sidewalk.
- (d) Upon any crosswalk.
- (e) Upon the roadway in a rural or sparsely settled district.
- (f) Upon the roadway in a business or residential district where parking is permitted unless both wheels on the right side of the vehicle are within twelve inches of the curb or edge of the roadway, except where angle parking is permitted.
- (g) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12' wide in each direction for passing traffic.
- (h) Upon any highway within twenty feet of an intersecting way, except alleys.
- (i) Upon any highway within ten feet of a fire hydrant.
- (j) Upon or in front of any private road or driveway without the consent of the owner of said road or driveway.
- (k) Upon any street or highway where the parking of a vehicle will obstruct or hide from view any traffic control signal provided signs are erected notifying of such regulation or restriction.

(2) Prohibited Parking. No person shall stop, stand or park a vehicle upon any State Highway except as otherwise provided in 720 CMR 9.03(3).

(3) Time Limitation. No person shall park a vehicle upon any state highway for a period of time longer than that specified upon official signs erected within the area.

(4) Bus Stops.

- (a) No person shall park a vehicle other than a bus in a bus stop where signs prohibit such parking.

\* (Reid - American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products D-323).

9.03: continued

(b) No person shall stop or park a bus upon any state highway at any place other than a bus stop.

(5) Emergency Repair. No person shall park a vehicle in any highway except in the right-hand lane or shoulder of the highway for the purpose of changing a tire or making emergency repairs unless such vehicle is so damaged or disabled that it cannot be moved under its own power.

9.04: Tow Away Zones

(1) Authorization of Police. The Officer in charge of the Uniformed branch of the State Police, the Superintendent of the Metropolitan District Police, and the principal police official of the police department of any city or town, or such sergeants or police officers of higher rank as said officers or officials may from time to time designate are hereby authorized, with such limitations as are, or may be hereinafter set forth, to remove or cause to be removed to some convenient place any vehicle parked or standing within the limits of any State Highway which is under their police jurisdiction, in violation of any of the provisions set forth in 720 CMR 9.04(2) and 9.04(3).

(2) General Prohibition Towing Zones. No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places. Vehicles found in violation of the provisions of 720 CMR 9.04(2) except those specifically exempted by law, shall be removed to a convenient place under the direction of an officer authorized as set forth in the preceding Section, of the Police Department and the owner of the vehicle so removed, or towed away shall be liable to the cost of such removal and storage charges, if any. The owner of any vehicle removed or towed away under the provisions of 720 CMR 9.04(2) shall also be subject to the penalties provided in M.G.L. c. 90, s. 20A(Ter. Ed.).

(a) Upon any way in such a manner as to impede the removal or plowing of snow or ice.

(b) Within a crossover.

(c) Upon any sidewalk.

(d) Upon any crosswalk.

(e) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12' wide in each direction for passing traffic.

(f) Upon any highway within twenty feet of an intersecting way, except alleys.

(g) Upon any highway within ten feet of a fire hydrant.

(h) Upon or in front of any private road or driveway without the consent of the owner of said private road or driveway.

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of the highway.

(j) Upon any roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, unless otherwise permitted.

(k) Upon the roadway in a rural or sparsely settled district within any area designated as a "No Passing Zone".

(l) Within the limits of any State Highway for a period of time exceeding 24 consecutive hours without the written permission of the Department, whether or not a vehicle is disabled and preparations are being made by the owner or operator for its removal.

(m) Upon any state highway bridge, overpass, overhead highway structure or the approaches thereto or in any underpass or tunnel or the approaches thereto, unless signs permitting parking have been installed or unless a breakdown lane has been constructed or designated.

(n) Upon any state highway in an area designated by pavement markings as an acceleration or deceleration lane of an express state highway or on any ramp providing either access or egress for an express state highway.

(3) Parking Prohibitions, Towing Zone. No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the highways, ways or parts of ways hereinafter described and during the periods of

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9.04: continued

time set forth. Vehicles found in violation of the provisions of 720 CMR 9.04(3) except those specifically exempted by law shall be removed to a convenient place under the direction of an Officer authorized as set forth in 720 CMR 9.04(1), and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage charges, if any. The owner of any vehicle removed or towed away under the provisions of this Section shall also be subject to the penalties provided in M.G.L. c.90, s. 20A.

In any area designated as a bus stop the above paragraph shall also apply.

(4) Official Traffic Signs. The provisions of 720 CMR 9.04(3) shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "Tow-Away Zone" are installed, erected, maintained and located so as to be visible to approaching driver, said signs to be appended above or incorporated into the legend of Parking Prohibition Signs.

(5) Police to Keep Record of Towed Vehicles. The police shall keep a record of all vehicles towed or removed under the provisions of this Article. Such record shall be retained for one (1) year and shall contain the following information:

- (a) The registration of the vehicle.
- (b) The location from which it was towed and time and date of tow order.
- (c) The location to which it was moved.
- (d) The fee charged for towing.
- (e) Name of towing contractor, if any.
- (f) Name and rank of officer who authorized towing.

(6) Exemptions. The provisions of 720 CMR 9.04 shall not apply to any vehicle owned by the Commonwealth of Massachusetts of a political sub-division thereof or by the United States or any instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered.

9.05: One-Way and Rotary Traffic

(1) One-Way. Upon those highways designated by the Department for one-way traffic, and sign-posted for the same, no driver shall proceed except in the direction indicated by such signs.

(2) Rotary Traffic. Within areas specified and posted by the Department for rotary traffic, operators shall proceed only in a rotary counter-clockwise direction, except when otherwise directed by a police officer.

9.06: Operation of Vehicles

(1) Drive Within Marked Lanes. When any roadway is divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

(2) Use Right Lane. Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

(3) Overtaking Other Vehicles. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not cut in ahead of such other vehicle until safely clear of it.

(4) Overtake Only When There is a Space Ahead. The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead or without causing the driver of any such vehicle to change his speed or alter his course, except as provided in 720 CMR 9.06(5).

(5) Vehicle Being Passed. The driver of a vehicle when about to be overtaken

9.06: continued

and passed by another vehicle approaching from the rear shall give way to the right when practicable in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(6) Obstructing Traffic.

(a) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any highway. Officers are hereby authorized to require any driver who fails to comply with 720 CMR 9.06(6) to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

(b) No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(7) Following Too Closely. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.

(8) Slow Vehicles to Stay 200 Feet Apart. Upon roadways less than twenty-seven feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving commercial vehicle when traveling outside of a business or residential district shall not follow another slow-moving commercial vehicle within two hundred feet, but this shall not be construed to prevent such slow-moving commercial vehicle from overtaking and passing another slow-moving commercial vehicle. Subsection 720 CMR 9.06(8) shall not apply to funerals or other lawful processions.

(9) Care in Starting, Stopping, Turning or Backing. Except as otherwise provided in 720 CMR 9.08(2)(a) the driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by M.G.L. c. 90, s. 14B (Ter. Ed.).

(10) Obedience to Traffic Control Signals. Colors and arrow indications in traffic control signals shall have the commands ascribed to them in 720 CMR 9.06(10), and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a "stop" sign), signal or device or except as provided in 720 CMR 9.06(24)(b).

In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

(a) Green. While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such a signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic.

(b) Right, Left and Vertical Green Arrows. When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right of way to vehicles proceeding from another direction on a green indication, and to pedestrians legally within a marked crosswalk.

(c) Yellow. While the yellow lens is illuminated, waiting drivers shall not

9.06: continued

proceed, and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(d) Red. While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(e) Red and Yellow. While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for the exclusive use of pedestrians.

(f) Flashing Red (Stop Signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a Stop line when marked, and the right to proceed shall be subject to provisions of M.G.L. c. 89, s. 8. (Ter. Ed.).

(g) Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(h) Flashing Green. A flashing green lens shall indicate a drawbridge, pedestrian crosswalk, fire station location, or intersection, subject to use at unscheduled intervals. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red or yellow or red and yellow indication.

(11) Lane - Direction - Control Signals.

(a) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

(b) Meaning of Indications. Lane direction control signal indications shall have the following meanings:

1. Downward-pointing illuminated green arrow. A driver may operate a vehicle in the lane over which the arrow signal is located and illuminated.
2. Red illuminated symbol "x". A driver shall not operate a vehicle in the lane over which the signal is located and illuminated.

(12) Lane Control Signals. When Traffic Control Signals are located and operated over or adjacent to the individual lanes of a street or highway within an area designated as a Lane Traffic Control Area, vehicles shall be operated in obedience to the command given by the signal indication shown over or adjacent to the lane in which the vehicle is being operated.

A Lane Traffic Control Area is that portion of a street or highway designated by Official Traffic Signs installed not less than one thousand (1000) feet in advance of Lane Traffic Control Signal installations.

(13) Obedience to Isolated Stop Signs. Every driver of a vehicle, railway car or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "STOP", or a flashing red signal, said sign or signal having been erected in accordance with the written approval of the Department and such approval being in effect shall, in the case of a flashing red signal, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at the nearer line of the street intersection and in the case of a stop sign at such point as may be clearly marked by a sign or line, or, if a point is not so marked, then at a place between the said "STOP" sign and the nearer line of the street intersection. In the case of a line of two or more vehicles approaching such "STOP" sign or flashing red signal indication, the drivers of the second and third vehicles in line in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device or as provided in 720 CMR 9.06(24)(c).

(14) Obedience to "Yield" Signs. Every driver of a vehicle or other conveyance

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9.06: continued

approaching an intersection of ways, where there exists facing him an official sign bearing the word "Yield", said sign having been erected in accordance with the written approval of the Department of Public Works of the Commonwealth of Massachusetts and such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between the said "Yield" sign and the nearer line of the street intersection, provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "Yield" sign can enter the intersection in safety without causing interference to approaching traffic.

Subsection 720 CMR 9.06(14) shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or as provided in 720 CMR 9.06(24)(c).

(15) Sound Horn When Necessary. The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to insure safe operation.

(16) Keep to the Right of Roadway Division. Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or areas, drivers shall keep to the right of such division, and shall cross such parkway, grass plot or reservation only at a crossover. In the case of a state highway which has no crossovers, access to the adjoining roadway shall be gained only by the proper use of under or overpasses and ramps. The foregoing provisions shall not apply when drivers are otherwise directed by an officer, or official signs, signals or markings.

(17) Operation at Under or Over Passes and at Intersections With Islands. At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps, and at any intersection of ways in which there are channelizing islands, drivers of vehicles shall proceed only as indicated by signs, signals or markings.

(18) Driving on Road Surface Under Construction or Repair. No operator shall enter upon the road surface of any highway or section thereof when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the highway is not to be used, or when so advised by an officer, watchman, member of a highway crew or employee of the Department, either audibly or by signals.

(19) No Driving on Sidewalks. The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

(20) Emerging from Alley or Private Driveway. The driver of a vehicle emerging from a private road, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such driveway or garage, and where no such sidewalk exists the stop shall be made at the building or property line as the case may be and upon entering the roadway shall yield the right of way to vehicles approaching on the roadway.

(21) Certain Turns Prohibited. The driver of a vehicle or other conveyance shall not make a turn from the way in which he is driving into another way or driveway, at any point in the highway, where such a movement is prohibited by signs.

(22) Driving or Parking on Channelizing Island. No person shall drive over or park a motor vehicle upon any channelizing island, as defined in these rules, unless directed to do so by a police officer.

(23) Obedience to Traffic Signs, Signals and Markings. The driver of any vehicle or of any street car shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.

9.06: continued

(24) Rights and Duties of Drivers in Funerals or Other Processions.

- (a) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as practicable and safe.
- (b) At an intersection where a traffic control signal is operating the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication.
- (c) At an intersection where a lawful isolated stop sign or signal exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

(25) Men and Equipment in Highway. Whenever traffic signs are erected or warning lights are displayed in or adjacent to a highway to notify of the presence of men and equipment, in such highway every motorist shall regulate the speed of his vehicle in a manner and to a degree consistent with the particular condition.

(26) U Turns Prohibited. No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which said vehicle is headed or traveling wherever signs notifying of such a restriction have been erected.

(27) Vehicle Operation at Crosswalks.

- (a) When traffic control signals are not in place or not in operation the driver of a vehicle, which for the purposes of 720 CMR 9.06 shall include bicycles, shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the roadway to within 5 feet of that half of the roadway upon which the vehicle is traveling.
- (b) No operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating notwithstanding any traffic control signal indication to proceed.

(28) Operators to Exercise Due Care. The provisions of 720 CMR 9.09 shall in no way abrogate the provisions of M.G.L. c 90, ss. 14 and 14A of the General Laws (Ter. Ed.) which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways". Furthermore, notwithstanding the provisions of these regulations every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

9.07: Exemptions

(1) Exemptions. The provisions of these rules shall not apply to persons acting in conformity with the direction of an officer, to persons or drivers actually engaged in work upon a highway closed to travel or under construction or repair when the nature of their work necessitates a departure from any part of these rules, to officers when engaged in the performance of public duties which necessitates a departure from any part of these rules, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of these rules, or to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of these rules. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

The provisions of 720 CMR 9.08(4)(a) shall not apply to persons operating federal, state or municipally owned vehicles carrying such dangerous articles as may be required during an existing or impending emergency nor shall they apply to any vehicle carrying a flammable liquid of a type which is required for the propulsion of the vehicle and is in a portable container in a quantity not exceeding fifteen (15) gallons or in a tank which is an integral part of the

720 CMR: DEPARTMENT OF PUBLIC WORKS

9.07: continued

vehicle, nor shall it apply to devices in a quantity not exceeding 12 devices to be used for the sole purpose of warning other motorists of an emergency condition.

The provisions of 720 CMR 9.08(4)(a) shall not apply to persons operating a vehicle transporting radioactive material when such radioactive material is such that it is exempt from all I.C. specification packaging, marking, and labeling because of type and quantity nor shall they apply to persons operating a vehicle transporting radioactive material which consists solely of manufactured articles, other than liquids, when the gross weight of such radioactive material and its container does not exceed 300 pounds per vehicle.

(2) Owner Prima Facie Responsible for Violations. If any vehicle is found upon any street or highway in violation of any provision of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such a vehicle is registered shall be held prima facie responsible for such violations.

(3) Obedience to Police. No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer in regard to the direction, control or regulation of traffic. Any person acting in conformity with any such order or direction shall be relieved from the observance of any provision of these rules with which the order or direction may conflict.

(4) Obedience of Signs, etc. No person shall disobey the instructions of any official sign, signal, marking or marker.

(5) Penalties. Any person convicted of a violation of any of the provisions of Article VII of these Rules and Regulations shall be punished as provided in M.G.L. c. 90, s. 18A (Ter. Ed.). Any person convicted of a parking violation of any provision of these rules shall be punished as provided in M.G.L. c. 90, s. 20A (Ter. Ed.). Any person convicted of a violation of any other rule made hereunder shall be punished by a fine of not more than twenty dollars for each offense except that a person convicted of a violation of the provisions of 720 CMR 9.08(1)(a), through 9.08(1)(d) shall be punished by a fine of not more than five hundred dollars for each offense.

9.08: Limited Access and Express State Highways

(1) Effect of Regulations. The regulations set forth in 720 CMR 9.08(2) shall be effective on all limited access State Highways and express state highways where official signs have been posted prohibiting bicycles, pedestrians and/or horsedrawn vehicles.

(2) Limited Access and Express State Highway Regulations.

(a) Horsedrawn Vehicles. No person shall ride or drive a horse or a horsedrawn vehicle within the limits of or on any portion of any highway where official signs have been erected at the approaches of said highway prohibiting such traffic.

(b) Bicycles. No person shall operate or ride a bicycle within the limits of or on any portion of any highway where official signs have been erected at the approaches of said highway prohibiting such traffic.

(c) Pedestrians. No person shall use any highway for pedestrian or foot traffic purposes except in emergency, where official signs have been erected at the approaches of said highway prohibiting such traffic.

(3) Backing Prohibitions. No person shall back a vehicle for the purpose of gaining entrance to any express state highway off ramp. Exit from the highway shall be made only at succeeding exits. No person shall back a vehicle from any ramp which provides entrance or exit for an express state highway.

(4) Tunnel Restrictions.

(a) No person shall operate a vehicle, and no person shall allow, permit or suffer a vehicle leased by him or registered in his name to be operated, transporting any dangerous article in any quantity in the vehicular tunnel of the John F. Fitzgerald Expressway located beneath Dewey Square in the City of Boston.

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9.08: continued

- (b) Northbound Vehicles. Northbound vehicles transporting any dangerous articles shall leave the John F. Fitzgerald Expressway via the Kneeland Street exit and may enter or re-enter the Expressway at the Northern Avenue entrance ramp.
- (c) Southbound Vehicles. Southbound vehicles transporting any dangerous article shall leave the John F. Fitzgerald Expressway via the High Street exit and may enter or re-enter the Expressway at the Kneeland Street entrance ramp.
- (d) Empty Tank Vehicles. Empty Containers. No person shall operate or allow, permit or suffer to be operated, an empty tank vehicle or a vehicle transporting empty containers which were last used for the transportation of a flammable compressed gas, flammable liquid, a poisonous substance, or an explosive in the vehicular tunnel of the John F. Fitzgerald Expressway.
- (e) Truck Cranes. No person shall operate a truck crane or any vehicle having a rear projecting crane or boom in the vehicular tunnel of the John F. Fitzgerald Expressway unless such crane or boom has been depressed sufficiently to prevent it from coming in contact with any part of the tunnel or tunnel devices, and only while vehicles approaching from the rear are protected from the rear projecting crane or boom by another vehicle following immediately behind the projecting extremities of the truck crane.
- (5) Operation of Commercial Vehicles and Buses.
  - (a) For the purposes of this section a commercial vehicle shall be construed to mean any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise, and the word bus shall be construed to mean every vehicle designed for carrying more than nine (9) passengers and used primarily for the transportation of persons.
  - (b) On any limited access or express state highway where there is more than one passing lane open to traffic no person shall operate a commercial vehicle or a bus in the lane adjacent to the median or center strip of the highway. Except in an emergency, the operator of a commercial vehicle or bus shall overtake and pass another vehicle only in the passing lane adjacent to the travel lane.
  - (c) The provisions of 720 CMR 9.08(5)(b) shall only be effective during the period that Official Traffic Signs are in place to notify operators of the provisions of the regulation.

9.09: Pedestrian Regulations

- (1) Pedestrians Crossing Ways or Roadways. Pedestrians shall obey the directions of police officers directing traffic and whenever there is an officer directing traffic, a traffic control signal or a marked crosswalk within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of a marked crosswalk and as hereinafter provided in these regulations.
- (2) Pedestrian Actuation.
  - (a) At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only in the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.
  - (b) At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in these regulations.

9.08: continued

(3) Pedestrian Obedience to Traffic Control Signals. Traffic control signal color indications and legends shall have the pedestrian commands ascribed to them in 540 CMR 3.09(3) and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.

(a) Red and Yellow or the Word "Walk". Whenever the red and yellow lenses are illuminated together or the single word "walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.

(b) Red Alone or "Don't Walk". Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "Don't Walk" are illuminated by rapid intermittent flashes.

(c) Green Alone. At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.

(d) Yellow Alone, Red Alone or Flashing "Don't Walk". Pedestrians approaching or facing a yellow, red or flashing "Don't Walk" illuminated indication shall not start to cross a roadway.

(e) Flashing Red, Yellow or Green. At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

(4) Pedestrian Crossings and Use of Roadways.

(a) No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right of way.

(b) Pedestrians shall at all times attempt to cross a roadway using the right half of crosswalks.

(c) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.

(d) Where sidewalks are not provided, any pedestrian walking along and upon an undivided highway shall, when practicable, walk only on the left side of the roadway on its unfinished shoulder facing traffic which may approach from the opposite direction. On any divided highway pedestrians not in violation of 540 CMR 3.08 (2)(c) shall walk only on the right side of the roadway on the unfinished shoulder.

(e) Persons alighting from the roadway side of any vehicle parked at the curb or edge of roadway in urban areas within 300 feet of a marked crosswalk shall proceed immediately to the sidewalk or edge of roadway adjacent to vehicle, and shall cross the roadway only as authorized by these regulations.

(f) It shall be unlawful for any person to actuate a pedestrian control signal or to enter a marked crosswalk unless a crossing of the roadway is intended.

(5) Crossing at Non-Signalized Locations. Every pedestrian crossing a roadway in an urban area at any point other than within a marked crosswalk shall yield the right of way to all vehicles upon the roadway. At a point where a pedestrian tunnel or overpass has been provided, pedestrians shall cross the roadway only by the proper use of the tunnel or overpass.

(6) Pedestrians Soliciting Rides or Business. No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the board or officer having control of such roadway or highway.

9.09: continued

(7) Obedience of Bridge Signals. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(8) Exemptions. The provisions of 720 CMR 9.09 governing the use of State highways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair, to municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these rules and regulations.

Effect of Regulations. The provisions of these rules and regulations for driving so far as they are the same in effect as those of any existing rules and regulations heretofore made by the Commissioners of the Department shall be construed as a continuation thereof, but all other existing rules and regulations for driving are hereby expressly repealed. This repeal shall not, however, affect any punishment or penalty imposed or any complaint or prosecution pending at the time of passage hereof for any offense committed under any of the said rules and regulations hereby repealed.

If any section, sub-section, sentence, clause or phrase of these rules and regulations is for any reason unconstitutional, such decision shall not affect the validity of the remaining portion of these rules and regulations. The Commissioners of the Department hereby declare that they would have passed these rules and regulations and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

REGULATORY AUTHORITY

720 CMR 9.00: M. G. L. c. 85, s. 2.



# *The Commonwealth of Massachusetts*

## *Registry of Motor Vehicles*

*100. Nashua Street, Boston 02114*

### OWNER-REPAIRMAN

Qualifications to Hold Owner-Repairman's

### REGISTRATION AND PLATES

An Owner-Repairman is defined by law as "any person who is not a manufacturer, dealer or repairman and who owns or controls a fleet of ten or more motor vehicles or trailers which are used by him exclusively in his principal business, and who maintains an establishment with facilities for the repair, alteration or equipment of such motor vehicles or trailers".

(General Laws, Chapter 90, Section 1)

### USE OF OWNER-REPAIRMAN'S NUMBER PLATES

The legal use of Owner-Repairman's number plates is defined in General Laws, Chapter 90, Section 5, which provides as follows:

"all motor vehicles, trailers or mobile construction cranes owned or controlled by such owner-repairman which are in the process of being repaired, altered, equipped or transferred from one location to another and which are not being used during such time in the operation of the principal business of said owner-repairman--- or, in the case of rubber-tired back-hoes, front-end loaders and road graders, are being used on the travelled parts of public ways for the building, repair or maintenance thereof, shall be regarded as registered under the general distinguishing number or mark assigned to him, and all mobile construction cranes owned or controlled by such owner-repairman shall be permitted on the public way under the general distinguishing number or mark assigned to them...provided, that number plates, furnished as hereinafter provided, are properly displayed thereon".



# *The Commonwealth of Massachusetts*

## *Registry of Motor Vehicles*

*100. Nashua Street, Boston 02114*

### FARMER'S REGISTRATION and PLATES

General Laws, Chapter 90, Section 5 as amended, permits the interchangeable use of special plates on certain farm motor vehicles and trailers.

A "Farmer" is defined as "any person, individual or partnership engaged principally or substantially in the occupation of farming or of raising horses, poultry or hogs on land owned or controlled by him." "Farming" is defined as "tillage or use of the soil to raise food for man or beast, the raising of tobacco or the propagation and growing of trees, shrubs, vines and plants for transplanting and sale."

"Farm" plate may not be used on pleasure vehicles. A Station Wagon is deemed a pleasure vehicle. The plate may not be used on trucks which are used in the regular delivery substantially on a daily schedule for sale of farm products or the delivery of flowers.

"Farm" plates may be used on all tractors, trailers or self propelled agricultural implements owned or controlled by a farmer, and equipped with rubber tires, anywhere within the Commonwealth.

A vehicle becomes unregistered if it is let for hire. A vehicle becomes unregistered if it is loaned for a period of more than five successive days.

All applications for this type of registration may be obtained and will be processed only at the Boston Office of the Registry.

General Laws, Chapter 90, Section 9 as amended, permits a tractor, trailer or truck to be operated without a registration upon any way for a distance not exceeding one half mile, if said tractor, trailer or truck is used exclusively for agricultural purposes for the purpose of going from property owned or occupied by the owner of such tractor, trailer or truck to other property so owned or occupied.



# *The Commonwealth of Massachusetts*

## *Registry of Motor Vehicles*

*100. Ashua Street, Boston 02114*

In reply, please refer to  
DEALER REPAIR SECTION

TO WHOM IT MAY CONCERN:

We acknowledge your recent letter concerning the use of motorcycle dealers plates on automobiles.

There is only one kind of dealer's registration provided for in Massachusetts law. Such registration is the "motor vehicles or trailers owned or controlled by a dealer".

No distinction is made between the application of a dealer handling automobiles or one handling motorcycles or both. The small plates issued by this Department to a dealer who handles motorcycles may just as well be displayed on automobiles as the reverse. The vehicle must of course, be owned by or under the control of the dealer.

One plate only is issued which is displayed at rear of vehicle.

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# *The Commonwealth of Massachusetts*

## *Registry of Motor Vehicles*

100. Nashua Street, Boston 02111

May 22, 1984

ALAN MACKEY  
REGISTRAR

To: Chiefs of Police  
Clerks of Court  
Branch Office Managers

The following regulation providing for the mounting and display of flashing, rotating or oscillating amber lights was filed with the Secretary of State by Registrar of Motor Vehicles Alan Mackey. The effective date is May 22, 1984.

540 CMR: REGISTRY OF MOTOR VEHICLES  
540 CMR 2.30: MOTOR VEHICLE REGULATIONS

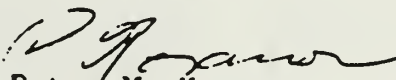
### 2.30 Mounting and Display of Amber Light(s)

(1) No person shall mount or display a flashing, rotating or oscillating amber light on a motor vehicle operated on the way, except as provided herein: -

(2) Flashing, rotating or oscillating amber light(s) may be mounted and displayed on motor vehicles used for emergency or service purposes operated by members or employees of an auxiliary police force, charitable organizations, private burglar alarm companies, private detective and private security agencies, agencies of the Commonwealth or its political subdivisions, persons and garages providing motorists assistance services or towing services, public and private utility companies for emergency or service purposes, persons and companies that are transporting human blood or organs for emergency purposes, oxygen, explosives or other hazardous materials or any other motor vehicles that have the owner's name displayed, so as to be plainly visible from each side or from the front and rear of the motor vehicle, which are actually engaged in the performance of a service, public or private, where the display of such lights would be in the best interest of public safety; and by such other motor vehicles as authorized by written permit of the registrar. Said permit to be carried by the operator upon his person or in the vehicle, in some easily accessible place.

(3) The registrar may order the removal of any such amber light(s) upon written notice to the registrant, with a copy to the chief of police where said motor vehicle is principally garaged, at any time he deems necessary. Any registrant, so notified, who fails to remove such amber light(s), operating or permitting the operation on the way, shall be deemed in violation of the registrar's rules and regulations, as provided in chapter 90, section 20.

(4) Motor vehicles that are in compliance with the provisions or requirements of Federal Motor Vehicle Safety Standard #108 are deemed to be in compliance with this regulation.

  
Peter M. Kopanon, Director  
Vehicle Inspection Services



SPEEDING  
C90 S17

curacy has been made. See *Commonwealth v. Burton*, 205 Mass. 49, 52, 91 N.E. 128 (1910); *Guina v. Famous Players-Lasky Corp.*, 257 Mass. 501, 521-522, 167 N.E. 235 (1929). We assume that judges will closely examine the nature of all testing procedures and that they will be guided in their admission decisions by the quality of the tests performed, rather than by their quantity. See *People v. Perlman*, *supra*, 89 Misc.2d at 978, 392 N.Y.S.2d 985. At the same time, we expect that the testing requirements judges impose will not be so onerous as to make use of radar devices a practical impossibility.<sup>5</sup> For example, the "run through" test referred to, *supra*, is a simple procedure in which the test automobile's speedometer and the radar unit are mutually corroborative, although neither device may have been tested by more sophisticated methods.

In the instant case, the record indicates that the judge, over the defendant's objection, required no foundation whatsoever regarding the radar unit's accuracy. In direct examination, however, Trooper Salzman testified that the radar unit in question had been the subject of repeated testing by means of its internal calibration mechanism. Yet, the testimony of Trooper Salzman fails to provide any basis for evaluating the reliability of this calibration procedure. In addition, the record contains no expert testimony or other evidence from which the foundational sufficiency of the exclusive utilization of this testing mechanism might be found.<sup>6</sup>

[3, 4] Despite our unwillingness on this limited record to sanction this type of radar testing, we affirm the conviction here for

5. Standards for testing radar speedometer equipment might well be a subject for legislative consideration. In at least two jurisdictions, admission of radar evidence in speeding prosecutions is facilitated by a certification procedure for radar equipment. Under these statutes a certificate from a testing station indicating that the device was tested for accuracy within a specified period serves as competent and prima facie evidence of an instrument's reliability. See *Pa.Stat. Ann.*, tit. 75, § 3364(d) (Purdon 1977); *Va.Code* § 46-1-136 (1974). See also *GL c. 233, § 7B*, which outlines a

several reasons. First, the issue has not previously been raised in this Commonwealth, and there is every indication that the police followed testing habits that have been consistently acceptable and apparently unchallenged in the trial courts. More important, the radar reading, as well as the testimony of the police officer who testified from his observation of the moving vehicle, showed evidence of a speed greatly in excess of the legal limit ("seventy-six," and "approximately seventy-five" miles an hour, on a highway posted for fifty-five). Further, the observations of the officer were corroborative of the reading on the radar unit. Thus, affirming the conviction here is consistent with fairness and justice. *People v. Magri*, 3 N.Y.2d 562, 566-567, 170 N.Y.S.2d 335, 147 N.E.2d 728 (1958). *CL State v. Bonar*, 40 Ohio App.2d 360, 319 N.E.2d 388 (1973). We add that, in any speeding case tried after the date of this opinion, where radar readings from untested equipment are admitted over objection and without independent corroborative evidence, we shall undoubtedly reverse any judgment of guilt and order that a judgment of not guilty be entered. The issue as to what constitutes adequate testing we leave to a consideration of specific future cases as appraised in light of the general principles included in this opinion.

## 2. Statutory Elements of G.L. c. 90, § 17.

[5] The second issue raised by the defendant questions whether a motorist may be adjudged guilty of operating a vehicle at an unreasonable speed absent any proof of the distance of such operation. More specifically, certification procedure to establish truth and completeness of hospital records.

6. There is disagreement as to the validity of using an internal testing mechanism to determine the accuracy of a radar unit. Compare *People v. Perlman*, 89 Misc.2d 978, 392 N.Y.S.2d 985 (N.Y. Dist. Ct. 1977) (internal testing insufficient), with *State v. Harpe*, 382 A.2d 263 (Del.Super. 1978) (internal testing sufficient). Since we do not decide the adequacy of internal testing here, the question remains one for trial judges to consider on appropriate evidence.

CEPALU v. GLOBE NEWSPAPERS  
On the Motion, 304 N.E.2d 1317

officially, it is the defendant's contention that the prosecution failed to present evidence establishing, as provided in G.L. c. 90, § 17, that the defendant drove her car for a distance of one quarter of a mile at a rate exceeding fifty-five miles an hour. Urging that this was a crucial element of the crime charged, the defendant argues that her conviction was violative of the due process clause of the Fourteenth Amendment to the United States Constitution. *Vachos v. New Hampshire*, 414 U.S. 478, 94 S.Ct. 664, 38 L.Ed.2d 666 (1974).

We believe that the defendant has misconstrued the statute. The elements which the Commonwealth must prove to sustain a conviction are contained in the first sentence of the section. There it states that "[n]o person . . . shall run [a motor vehicle] at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and safety of the public." Thus, the Commonwealth's only burden is to present such evidence as to permit the trier of fact to find beyond a reasonable doubt that the defendant has failed so to operate his motor vehicle. *Commonwealth v. Baworth*, 257 Mass. 212, 217, 153 N.E. 455 (1926). *Commonwealth v. Cassidy*, 209 Mass. 24, 28, 95 N.E. 214 (1911). Distance travelled may be relevant, but it certainly is not a required element of proof.

The language of the section that the defendant relies on does not create a statutory element of the offense. It merely sets forth prima facie evidence of a statutory violation. The purpose of such a rule is to assist the Commonwealth in carrying its burden of persuasion on the issue of reasonable and proper speed. *Commonwealth v. Cassidy*, *supra*. See generally *W. B. Leach & P. J. Liscow*, Massachusetts Evidence §3-60 (4th ed. 1967).

## Exceptions overruled.

7. General Laws c. 90, § 17, as amended through S.L.1973, c. 494, § 7, reads in part as follows: "No person operating a motor vehicle on any way shall run it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. Unless a way is otherwise posted accordance with the provisions of section etc.

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**MOTOR VEHICLE REGISTRATIONS—CERTIFICATES IN ACCESSIBLE PLACE****CHAPTER 173**

AN ACT relative to motor vehicle registrations.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Section 11 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Every person operating a motor vehicle shall have the certificate of registration for the vehicle and for the trailer, if any, and his license to operate, upon his person or in the vehicle, in some easily accessible place, except that the certificate of registration of dealers, manufacturers, repairmen, owner-repairmen, farmers or dealers in both boats and boat trailers need not be so carried; provided, however, that the certificate of registration of a person who is operating a motor vehicle in accordance with the provisions of the last sentence of the fifth paragraph of section two need not be so carried; and, provided further, that in the case of a rental vehicle, a photostat copy of the certificate of registration, accompanied by the rental agreement, shall be sufficient to comply with the provisions of this section.

Approved June 25, 1987.

**ENVIRONMENTAL LAWS—PENALTIES****CHAPTER 174**

AN ACT further regulating the punishment for violation of certain environmental laws.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.**

The first paragraph of section 42 of chapter 21 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 12, the word "ten" and inserting in place thereof the word:— twenty-five.

**SECTION 2.**

Section 50 of said chapter 21, as so appearing, is hereby amended by striking out the last paragraph.

**SECTION 3.**

Section 50A of said chapter 21, as so appearing, is hereby amended by striking out the fifth sentence.

**SECTION 4.**

The first paragraph of section 13 of chapter 21A of the General Laws is hereby amended by striking out the first sentence, as so appearing, and inserting in place thereof the following two sentences:— The commissioner of the department of environmental

## MOTOR VEHICLES—OPERATION UPON APPROACH OF EMERGENCY VEHICLES

### CHAPTER 38

AN ACT regulating the operation of motor vehicles on approach of an emergency vehicle.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Section 7A of chapter 89 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the

13

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following sentence: Upon the approach of any fire apparatus, police vehicle, ambulance or disaster vehicle which is going to a fire or responding to call, alarm or emergency situation, every person driving a vehicle on a way shall immediately drive said vehicle as far as possible toward the right-hand curb or side of said way and shall keep the same at a standstill until such fire apparatus, police vehicle, ambulance or disaster vehicle has passed.

Approved May 5, 1987.

## TRUCKS—AUDIBLE WARNING SYSTEMS

### CHAPTER 39

AN ACT providing for an audible warning signal when gasoline trucks are in reverse.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

#### SECTION 1.

Section 7 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

Every commercial motor vehicle, or trailer weighing, with its load, more than twelve thousand pounds, and used to deliver gasoline or other flammable material, shall be equipped with an audible warning system when the vehicle's transmission is in reverse.

#### SECTION 2.

This act shall take effect on January first, nineteen hundred and ninety-one.

Approved May 5, 1987.

ASSESS-  
MENT

INFRACTION

STATUTE

ASSESS-  
MENT

INFRACTION

STATUTE

§ 20

Unlawful speed on county bridge

C.L. Chap. Sec. 85-70

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 25

Violation of DPM rule or regulation relative to signs, lights, signal systems, traffic devices and markings

85-72

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Improper placement of flares, nor carrying flares

93-18

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operation while permitting passenger under 12 yrs 90-73A

90-18

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Violation of right of way at intersecting ways

89-8

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Not displaying proper license plates properly

90-6

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Not keeping proper number placard

90-6

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Homemade plate permit required

90-6

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

One number plate-failure to display properly

90-6

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Not equipped with mirror

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Without lamps

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Not displaying proper lights

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Improper flashing, rotating or oscillating light

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

No device to prevent vehicle being set in motion

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Not proper muffler

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

No horn, bell or other signal

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

No suitable splash guard

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Not wearing protective head gear

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

No emergency flashers

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

No glasses, goggles or face shield

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

No warning system on dump truck

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Failure to stretch emergency chains while towing a trailer

90-7

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Improper equipment or operation of school bus (except operation with excess passengers)

90-7B

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Violation of Regenerative regulation on school bus equipment

90-7C

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Violation of school stop and flare requirements

90-7D

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Violation of requirements for vocational school bus

90-7E

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Improper use of warning device

90-7F

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Improperly marked emergency vehicle

90-7G

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Improper motorcycle handbrake

90-7H

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Removal of pollutant control device

90-7I

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Modification of height of auto, operation of such M.V.

90-7J

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with too little tread

90-7K

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Failure to display proper vehicle I.D. number

90-7L

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Excessive motorcycle sound emissions

90-7M

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7N

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7O

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7P

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7Q

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7R

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7S

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7T

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7U

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7V

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7W

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7X

§ 35

Failure to stop at sign or signal at intersection

85-70

§ 35

Operating or permitting to be operated a M.V. with no license or registration

90-7Y

§ 35

Failure to stop at sign or signal at intersection

85-70



OFFICER  
SURVIVAL





# ***VEHICLE STOPS***

When it comes to vehicle stops, terminology sets a lot of officers up for injury or death.

Most likely, you've been taught to appraise the stops you make as either "misdemeanor" or "felony" or, in more current terms, as either "low-risk" or "high-risk." The implication is that only when you're stopping an individual you *know* to have committed a serious crime or to be dangerous are you going to be exposed to much threat. It's natural, then, to lower your level of alertness when dealing with common or relatively minor infractions, and this "misdemeanor mind-set" *encourages* you to overlook or misinterpret important danger cues. For instance, a West Coast sergeant who stopped a drunk driver *automatically assumed* the man was hiding an *open bottle* when he made furtive moves under the front seat. The sergeant approached the car, held an extended close-up conversation with the violator, learned he was an ex-convict on parole, watched his mood change from "whining cooperation to tense agitation," returned to the patrol car without inspecting under the driver's front seat and buried his nose in paper work without visually monitoring the violator or vehicle or apparently sensing any need for extra caution. Only after another officer was called to help with field sobriety tests was the "open bottle" found to be a sawed-off shotgun. With his misdemeanor mind-set, the sergeant had also failed to notice in the violator car an unrestrained, full-grown, male bulldog, its face covered with scars from pit fighting.

The fact is that of officers who die making vehicle stops, *MOST die making so-called LOW-RISK stops for MISDEMEANOR violations.* What the professional terminology minimizes *really* turns out to produce the *highest* incidence of *ultimate* threat to you.

To sharpen your vehicle stop tactics, you should first change the terms you think in. Where you have some *reason* to believe there's a potential for danger, you should accurately consider yourself making a HIGH-risk stop. *EVERY other stop should be thought of as an UNKNOWN-risk stop.* When you actively acknowledge to yourself that the level of threat is *uncertain* and may prove to be *much different* than it initially appears, then staying alert to *assess the risk more precisely* becomes a logical part of your procedure.

In truth, you cannot *reliably* draw conclusions about the threat level of most stops until the stop is *over* and the occupant(s) of the vehicle are beyond assault range. Usually you'll have no prior knowledge of the personal history, personality or current state of mind of the violator or passengers. The infraction that catches your attention may be inconsequential compared to what else is going on in their lives at that moment.

Officers by the hundreds every day stop motorists for minor traffic violations and discover at some point during the stop that they are dealing with an individual who has just committed murder or robbery, who is transporting contraband or weapons, who is bent on committing suicide, who is fearful that the stop will mean a parole violation, who is in a homicidal rage over a fight with a spouse, who is abducting a rape victim or who has vowed to "kill the next cop who pulls me over."

The *violation* itself is no indicator of what you are dealing with. One NCIC on a driver stopped for speeding in Georgia produced a 10-foot-long computer printout of felony wants and warrants from 13 states and two federal agencies. The *appearances* of the driver and vehicle may offer no warnings. One get-away driver for bank robbers in California dressed like a businessman and drove a Mercedes. Nor will the extent to which you have been able to *progress* with a stop without resistance necessarily mean anything. One study of officers killed on vehicle stops indicates that 17% are assaulted while their vehicles are still moving, before they effect the stop...28% after their vehicles are stopped but before they exit...22% while exiting or approaching the violator...and 43% after making initial contact, while interrogating, citing, seeking radio intelligence or returning to their vehicles.

In short, a stop can suddenly turn ugly at *any* stage.

Once you accept vehicle stop terminology as it should be, you then want to maintain the *flexibility* to adapt the tactics you use to *match the level of threat you're facing*. In this regard, officers tend to go wrong in two major ways. Either:

1. they approach *every* stop essentially the same way, even if they *know going in* that there's good reason to presume unusual risk. In other words, they don't accept that where potentially high risk can be *presumed*, you use special tactics *from the outset*. Or:

2. where there's no initial indication of danger, they fail to perceive *new and more ominous information* that is revealed during the stop as a signal to *alter and intensify their tactics*. They stay *locked in* to their initial approach, either because they don't read danger cues or they don't know what to do differently when they do.

Typical of the first problem, a Louisiana officer at about 2 o'clock one morning recognized a pickup truck that had been reported stolen a few hours earlier. Any vehicle or subject believed involved in a crime is *prima facie* evidence of unusual risk. Yet without waiting for backup or adopting any special caution, the officer started up toward the lone male visible behind the wheel, just as he would have on an ordinary traffic violation. As he entered the kill zone, two teen-agers who'd been hiding in the rear of the truck suddenly ambushed him with a 12 ga. shotgun and a large caliber pistol. Their close-range fire to his face shredded parts of his tongue and nearly blinded him. Similarly, a sergeant in California walked up to a car he *knew* to be the suspected getaway vehicle in an armed robbery, and a detective on stake-out in Washington rushed up to a car believed to contain a suspect in an illegal arms transaction. Both were shot in the head and died.

The second problem was fatally illustrated in a Southern state when a highway patrolman stopped a driver with four passengers for operating a sedan erratically. As the stop progressed, a multitude of danger cues arose: the occupants became verbally abusive...illegal drugs were confiscated from the driver's shirt pocket...a long knife was recovered from his boot...the passengers attempted to interfere with the officer's procedures...and everyone refused to obey commands. These unforeseen

developments undeniably changed the stop from one of *unknown risk* to one with strong overtones of *high risk*. Yet the trooper did not alter his orientation. He did not call for backup...did not handcuff and arrest the driver...did not secure the knife (just left it easily accessible on top of his patrol car)...did not attempt to physically control the passengers...did not hesitate to turn his back on the driver and a passenger who were standing near the knife...and, apparently, did not see anything wrong with putting his entire upper body into the car to search it while two of the passengers remained inside. Not surprisingly, he was stabbed in the back while conducting this search, and murdered.

Operating more flexibly was a sheriff's deputy in California who began what he thought was going to be an ordinary traffic stop. As the violator car came to a halt, however, the driver and two passengers got out and came back toward the deputy as if they intended to flank his patrol car. He ordered everyone back in the car. The passengers hesitantly complied, but the driver, a huge "biker type," kept walking forward, demanding to know, "Who the fuck are you?" The deputy drew his firearm into a ready position and repeated his command. The driver grudgingly complied. When backup arrived, this appropriate escalation of tactics continued into a full-fledged high-risk stop—with no injuries.

An average of 13% of officer deaths over the last 10 years have occurred on vehicle stops, a somber indication that these patrol events are by no means as simple as they are common. Whether you are conducting high-risk or unknown-risk stops, they require strategy built on observation...distance...cover...timing...and physical placement. As where a building is involved, here you must deal with a *structure* as well as with a human being. It isolates the violator from you and offers him the opportunity to conceal activity. Plus, this structure has the capability of *moving* on you. *How* you deal with the *structure* may be as important to your safety as how you deal with the *violator* and other occupants.



A detective points his revolver at a male drug dealer following verbal commands to stop his car. How do you feel about his vehicle stop approach and arrest?

Your best hope for coping safely with this complex situation rests with your:

1. Seeking and assimilating INFORMATION *throughout the stop* that will help you evaluate your level of risk at any given moment;
2. Understanding that on any stop your PHYSICAL POSITIONING is of utmost importance in both discouraging and overcoming an assault;
3. Knowing WHEN to use TACTICAL OPTIONS for dealing with a higher level of threat than you normally encounter or originally anticipated...and,
4. Knowing WHAT those special options should be.

## ***Assessing Risk***

Your assessment of the risk you're facing should begin as soon as you contemplate making any stop. Training experiments indicate that if you don't begin preparing mentally and physically for a potential threat *within 5 seconds* of deciding to stop a violator, you may be forfeiting a tactical advantage and be forced to play "catch up" from then on. An early evaluation will guide you on whether to attempt the stop at all and, if so, how best to engineer it tactically.

Seven interrelated survival questions form the core of your threat assessment:

1. *What is the NATURE of the offense involved?* Think in terms of *threat potential*, not just penal code categories. The offense that prompted the infamous stop at Newhall, where four California Highway Patrolmen were killed, was "brandishing a firearm;" two subjects had waved a gun at a young couple on an interstate highway—a misdemeanor.



Some of the firearms left behind by the Newhall offenders.

But if the officers who initiated the stop had truly considered the *implications* of that offense—that there must be at least one gun in the violator vehicle and thus the known capacity for a deadly assault—their maneuvers might have been more tactically sound than stopping close behind the car and approaching it without benefit of cover and without waiting for backup.

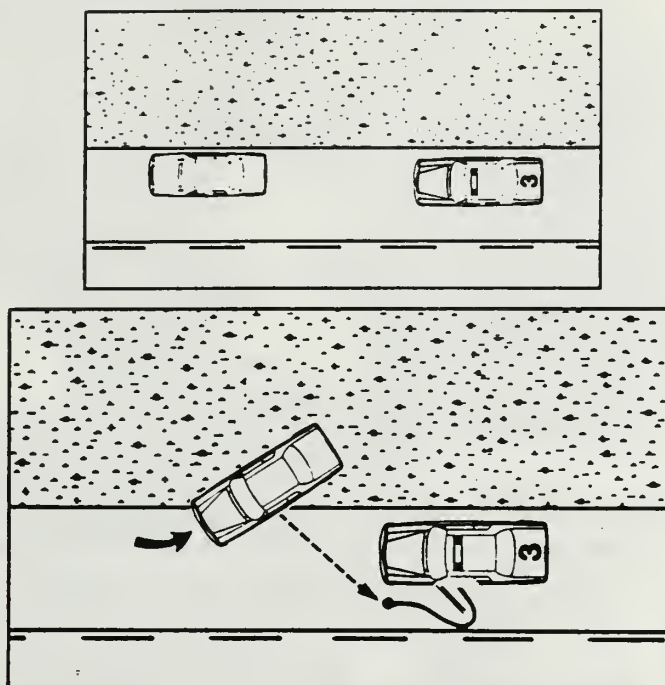
The stated offense meant that there was at least one gun—and thus the known capacity for deadly force—in the violator car. In fact, there were six guns—and two hardened ex-cons hellbent on bank robbery to go with them. Consider what you *suspect* about the offense as well as what you see or have been advised. Visual clues and intelligence from your dispatcher may not reflect the full situation. *Respect your sixth sense.*

2. *How many OCCUPANTS are readily visible?* The number of people represent the number of Problem Areas you'll potentially have to deal with. Their size, sex, age, mood and chemical condition all are important factors in measuring your control capability. Regardless of the offense or any visible danger cues, *numbers alone* may make backup prudent. That should have been the case in Arkansas when a sergeant decided to stop a car with four rough-looking men, all of whom got out immediately and confronted him. The sergeant stood his ground and tried to handle the situation alone. In a moment of distraction, the driver was able to draw a .45 cal. semi-automatic and gun down the sergeant with shots to the neck, abdomen and leg that left him partially paralyzed. Count the occupants visible and every time you look at the vehicle thereafter, *recount*. With high-risk stops, especially, remember the "*plus one*" rule: think that there is always at least one more occupant present than you can see.

3. *What is the BEHAVIOR of the occupant(s)?* Abusive language... obscene gestures... furtive movements (particularly to the glove box, under the front seat, beneath the instrument console, to the sun visors or to cut-out door panels, the favorite hiding places for guns)... attempts to change places inside the vehicle... and refusals to obey your instructions or requests all are *danger signs* any time they occur. They challenge your objective of maintaining control. Be careful not to *stereotype* behavior. Training exercises have shown that one way in which suspects can almost always succeed in attacking officers is to prepare themselves for the assault by making *slow* and *casual* movements. Most officers are conditioned to associate danger with sudden, violent moves and do not consider the possibility of risk coming in any other form. Be alert also to how the driver *positions* his vehicle. Street-wise offenders may turn their cars at a 45° angle to your patrol car when they're stopped. This gives them a direct field of fire at you as you exit your vehicle, without having to turn in their seats. If an "ordinary" violator acts as if he is in a high-risk situation—such as putting his hands up after you stop him—don't dismiss it automatically as nervousness or confusion. Remember, he knows a lot more about who he is and what he has done prior to the stop than you do, but he may *think* that you know, too, and be responding accordingly.

4. *What WEAPONS are involved?* Don't fail to consider the long guns commonly carried in rear window racks in some parts of the country. These may not be "criminal"-type firearms, but they are readily accessible, usable weapons and should be tactically acknowledged, not automatically ignored as they often are by officers given to the "good ol' boy" syndrome. On stops known to be high-risk, you may receive intelligence on weapons that have been used in the crime that is

prompting the stop. Compare the number and nature of these firearms *realistically* to what you have available. There's a "plus-one" rule here, too: always assume there is one more firearm of the next largest caliber within the violator's reach than what you know about.



One version of the 45° angle maneuver which has been pulled off successfully by sharp offenders.

5. What type of **VEHICLE** is involved? Certain vehicles carry more threat potential than others. Their construction may offer superior cover for whomever is inside...or superior concealment for hidden occupants or firearms...or an Area of Responsibility you can't keep under surveillance if you approach. A vehicle that's unusually high or low may place you at a disadvantage for checking the interior or for maneuvering physically at the driver's door. Accessories, such as parabolic mirrors, may limit your use of surprise.

6. What **ENVIRONMENTAL HAZARDS** exist? Two Southern officers chose a parking lot for ticketing a driver with expired plates. The driver was compliant, but two of his brothers, attracted by the stop, emerged from a nearby bar and interceded. In a fight that broke out, one officer was disarmed, and his young partner shot dead. Drinking establishments, housing projects, public parks, fast-food hangouts and similar locations are loaded with ambulatory Problem Areas (people) who may be drawn by the sound, lights and action of your stop like bugs to a beacon. Hostile, they can present more threat than the driver or his vehicle. At some locations in some neighborhoods, *nobody* gets stopped by prudent officers. Besides crowds, consider trees, hydrants, rocks and other cover options that may be available both to you and the violator, and also terrain features, such as curves and hills, that may add to your risk from other traffic.

7. *What are my STRENGTHS in this situation?* Your evaluation is like a poker game. You're weighing the cards you know you hold—your backup, your firearms, your ammunition, your cover, your strategy—against what you can see or surmise that your opponent has to play with.

In a matter of seconds, this checklist can help you peg the initial level of threat and select the tactical strategy you feel is appropriate. Once you've decided to proceed with the stop, keep asking yourself an eighth question *throughout*:

**ARE THINGS STILL THE SAME AS I THOUGHT THEY WERE WHEN THIS STARTED?**

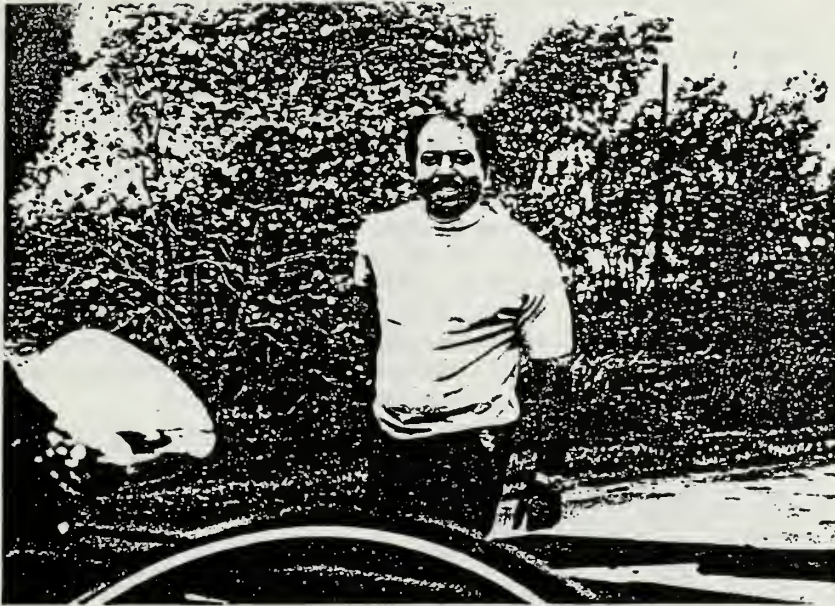
If at any point, circumstances change and the threat escalates, then *adapt your procedures*. Don't remain trapped inflexibly in an approach that is no longer valid.

## ***Threat Zones***

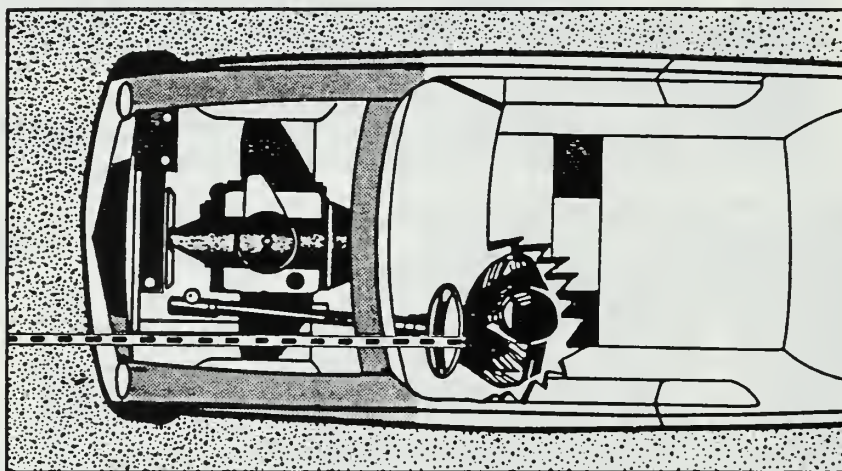
Most officers would agree that when the threat potential seems *low*, you want the occupant(s) of the car you've stopped to remain *inside* while you approach the vehicle on foot. This allows you to better perform certain important duties, such as visually checking the interior for contraband and suspicious activity, and to establish a strong position in case of attempted assault.



If you stay seated behind your wheel and let the driver come back to your window, it's true that you separate him from his vehicle and any weapons concealed there and that you'll be able to further assess him as he walks toward you. But if he presents a threat after he reaches your patrol car, he has the high-ground advantage...your possible reactions are limited because you won't be able to use physical force against him from your position...and your ability to maneuver your sidearm to deliver deadly force is greatly inhibited or impossible.



To maximize the safety of your approach, first *park your patrol car to give yourself an edge*. Some trainers advocate parking no more than 6 feet to the rear of the violator vehicle on the theory that this will thwart him from ramming you backwards at a forceful speed. But by getting back about 15 feet, the extra distance gives you more time for assessment and threat reaction initially. Your position should allow you to fully illuminate the other vehicle's interior and occupants and to read the license plate without having to redeploy your patrol car. Some officers in one-officer units like to angle their vehicle to the left to gain more protection from the engine block. Actually, the engine provides only minimal cover, because of its relatively small size, and by angling the car you lose effective use of your high beams. At night, the concealment offered by a good curtain of light may be more important to you. *Offset your car* (or at least the left front fender, if you do angle it) about 3 feet to create a walking lane.



A good example of how little protection is provided for you when you sit behind the wheel during a stop. If an offender were to shoot at you at window height, there is no protection at all. Even below that, the engine block position may permit bullet penetration.

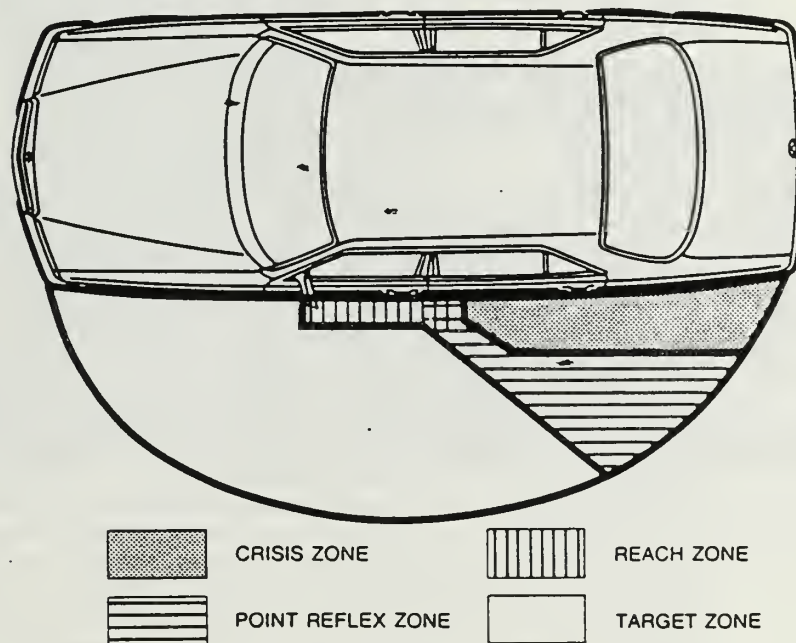
From the beginning, *throw a blinding flood of light inside the violator vehicle*. This illuminates the visible occupants and also prevents the driver from using his mirror(s) to observe you. To try to see you, he may turn in his seat, providing a more noticeable warning sign. If you've angled your car and have lost full use of your high beams, your spotlight(s) at least can be directed to your advantage. Officers on some agencies are permitted to mount halogen "take-down" spotlights or airplane landing lights on their light bars. These project a dazzling light that does not produce the obscuring bounce-back effect from sheetmetal and bumpers that your high beams may. From the violator's viewpoint, these high-intensity lights cause your windshield to turn black. If your vehicle has a four-headlight system, your high beams can be made more effective by tightening their top adjustment screws so these lights will point into the rear windows of most cars. In winter, be sure during your shift to wipe off *all* your light lenses periodically, including your lightbar and take-down lights. Otherwise a film buildup will cut your candlepower by half or more.

Before exiting, you want the ignition of the violator car turned off, and before moving past the limited cover of your open car door, you want a *visual on the violator's hands*. If they're hidden, consider asking him to rest them on the steering wheel where you can monitor them. On a growing number of departments, this is now standard procedure on all stops; public service announcements are broadcast on radio and television to condition motorists to expect it.

If indications so far suggest it's safe to walk up, you can casually put your hand on your gun butt as you begin, as if arranging or protecting your sidearm. This is called "*Gun Location*," and prepares you to draw in minimum time. Another option when you want extra caution is to have your gun out beside your leg. The driver won't see it as you approach, and if you perceive no threat you can reholster while he's looking for his driver's license.

Your goal in approaching is to reach a position that looks non-threatening to the ordinary "good" citizen, but appears unchallengeable to would-be assailants. This requires a seemingly casual approach that, in fact, has a foundation of strong defensive placement.

Thinking tactically about your approach, consider the area immediately to the left of the violator vehicle as being divided into four contiguous **Threat Zones**. These are geographic areas where you are vulnerable to attack when you approach on the driver's side. Each harbors special hazards for you, based on the principles of physics and physiology that are involved in launching an assault from inside a vehicle. Some of these areas you should avoid altogether. Others require a good grounding in tactical options to maneuver safely.



The Threat Zones are:

The Crisis Zone, a strip about 20 inches wide (approximately the typical width of the human body) that starts at the violator's rear bumper and usually ends about 10 inches away from the driver's window. If passengers are in the back seat, however, it ends about 10 inches from the passenger window;

The Reach Zone, which extends forward an arm's length or so from where the Crisis Zone ends;

The Point Reflex Zone, which fans out from the back corner of the driver's (or passenger's) window at about a 45° angle to the Crisis Zone and fades into...

The Target Zone, which arcs from where it overlaps the Point Reflex Zone around to the front fender of the vehicle.

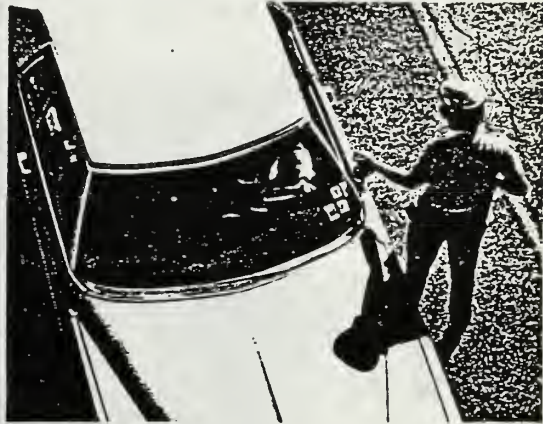
If you approach or stand in the Point Reflex or Target Zones, you make yourself extremely easy to attack with a firearm from the front seat of the violator vehicle. Little movement is required of an assailant other than to point the gun and squeeze the trigger. If his window is down or if he opens his door, he has no physical barriers to deal with. He can take action against you in a fraction of a second. This was evident in Virginia when a trooper stopped his patrol car *ahead* of a speeding violator's vehicle and walked back right into the Target Zone. The driver, who turned out to be a fugitive burglar, said later, "He gave me the field advantage. It just seemed like he took things for granted. When he got right close, about 10 feet away, I just pulled my gun out and put it on the window and shot him. I fired once and then as he was falling, I fired again. He fell down (dead) right alongside the car."

If you avoid the most vulnerable areas and approach *through* the Crisis Zone, you at least will force an offender to *work*—and take longer—to get you. Biomechanically, a left-handed assailant will find shooting very awkward. Even for a right-hander, major upper body twisting, arm movement and joint action will be required to achieve the proper angle. In addition, the offender will be under stress, subject to a high adrenalin surge that will probably warp his timing and judgment. Tests have shown that in his hurried effort to strike you in the Crisis Zone, his first shots are *most* likely to hit the door post or to discharge prematurely into the Point Reflex region. If you're in close to the vehicle, that gives you some protected time in which to react.

Still, the Crisis Zone is a high-risk area for you, as the name implies. If a driver or passenger *does* manage to move as necessary to present a threat, you have only limited opportunity for protective movement. Moving out from the car thrusts you into a more hazardous threat zone. The farther out you move, the less body effort is required to shoot at you. In addition, you are vulnerable to being hit by traffic (and, in terms of threat, more officers are injured and killed each year by *accidents* during vehicle stops than by felonious assaults from violators). If you are alongside the rear fender when the assault begins, you can leap onto the trunk and roll to the other side of the car. But if you're beyond that point, the solid mass of the car will prevent you from moving to the right. If you drop down, the assailant has only to make a minor adjustment to keep you in his line of fire. If you turn and try to run away, his car and yours on one side and the flow of traffic on the other may keep you from running properly. Unless there is no traffic, only in the gap between the two vehicles will you be able to make a major change in direction that will force him to shift his point of aim.

Probably your best option is to try to exit the kill zone with your sidearm in hand and with your soft body armor in position to provide some defense. Even at best, this affords you only limited protection.

Against these odds, some officers try to *creep* through the Crisis Zone, equating slowness with caution. But given your limitations so long as you are in this zone, a better tactic is to *hurry* through it, especially once you are past the trunk area. Once you arrive at the Reach Zone you have better defense options. That is *not* a *safety* zone, but it is a region in which you have more control. Of course, hurrying should not preclude your visually checking the back seat before you are abreast of the passenger door, to determine just where you want to stop advancing.



(above left) The proper body positioning on an unknown-risk stop. (top right) This Target Zone positioning used to be popular. Some officers still use it so oncoming traffic can be watched. (lower right) Here both officers also are easy targets. Only one officer should approach her on the driver's side

Assuming there are no rear passengers, you want to stop just before you reach the center doorpost. Stand *slightly away* from the car (so your clothing won't get caught by the bumper if the vehicle rolls forward suddenly) and parallel to it; that is, with your front toward the side of the car, if you're right-handed. Twist your upper body *slightly* to the left. Your gun should be away from the driver. This positioning is preferable to standing "squared off" at a 90° angle to the car and obviously better than standing parallel abreast of the driver's window. In either of those positions, little effort is required to shoot you; the driver does not even have to move his gun outside the window. In fact, a Kansas offender was able to assault an officer in this position so easily that the officer did not even see the gun until *after* he was shot—and the gun was a full-size rifle. (In this case, the officer had already made two other serious tactical errors. Initiating the stop, he noticed the violator reach under the front seat, "but never thought about a gun until I was shot." On approaching the car, he at first shined his flashlight on the driver's face, but then kindly lowered the beam because the violator "flinched." One of several bullets striking the officer just missed his heart.)



In the top two photos you have the traditional stance at a 90° angle to the vehicle. One disadvantage of this stance is having your sidearm too close to the violator. (bottom two photos) Here there is a marked decrease in torso exposure by altering your stance.

Standing basically parallel to the vehicle and *back* from the window, you do not present as broad a target, and your body is outside the highest risk zones. From the driver's perspective, he *cannot* easily move even to shoot *side-to-side* through your body. Although it seems as if he could, you'll see in role-playing that because of the particular angles involved and the obstruction provided by the car, he will not naturally be able to point a firearm directly at your side. Thus, you still get the protection of your soft body armor, while being harder to target than when you are squared off.



Correct positioning for a left-handed officer when approaching on the driver's side.

Once you're in position, immediately tell the driver *why* you've stopped him. This usually will ease the tension somewhat with an ordinary citizen and *may* forestall an attack by a criminal. A person who has just committed a crime or is wanted may think he has been stopped because he has been identified, whereas you may in fact know only that he has violated a traffic law. If you *do* know or suspect something more serious, you should *not* be approaching the car. High-risk procedures should be in effect.

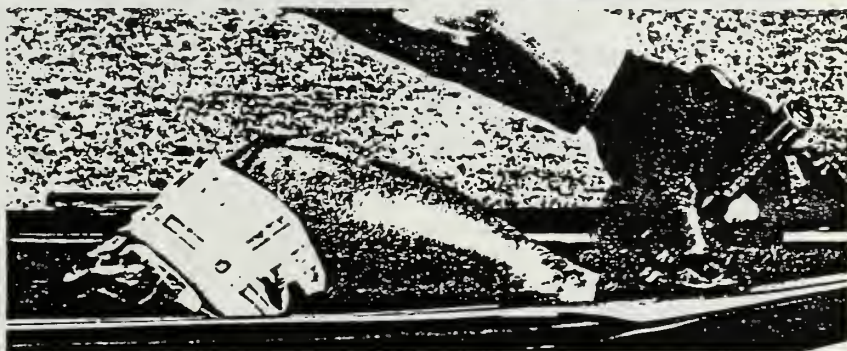
Maintaining Gun Location, ask the driver *where* his license is located before asking him to hand it to you. This will give you a better chance to assess his movements, for his reaching toward any *other* location would be a behavioral danger cue. Use your *off hand* to accept his identification when it's presented. You can reach out with your cite book resting on the fingers of that hand and simply clamp his license down on top of the book with your thumb as he offers it.



To use additional caution with a female violator, consider this. Command that both hands be placed on the wheel. Then have her place the purse on her lap, using her left hand. Finally, have her withdraw the license using her left hand. This will slow down her reaction time if she tries to pull a weapon.

Now your off hand is in an excellent position to dart forward and block any assault with physical force. It's a barrier an attacker must get past. If you see a firearm come up, let the cite book, license and flashlight fall and thrust your hand out to intercept the gun. Do this *all in one motion*. If you let the items fall and *then* thrust your hand, your response will be too slow. Coming up from underneath with your palm up, you can hook the barrel in the web of your hand and slam the assailant's hand *hard* against the top window frame or roof line. You'll drive the barrel up and deflect it away before it targets your body mass or face. This will be a very natural reaction, for you have been taught since childhood to catch with your off hand, and this is a "catching" move. As the offender's hand and gun strike the car, the pain and force will tend to relax his grip. Now jerk the weapon down sharply with your fingers clamped around it and tear it out of the assailant's hand. With your other hand, you can physically reinforce your disarming movements, then introduce the attacker to *your* gun.

Practiced physically and through Crisis Rehearsal, this maneuver can give you much faster and surer control than simply trying to draw against his moving gun or even dropping to the ground. While attempting to get below his line of fire is an option, training tests indicate that most officers can't move fast enough to get their *head*, as well as their center mass below range before shots are fired. Also trying to shoot back from that position is chancy. Once you drop below window level, you'll have difficulty seeing the driver as a target if he moves away from the door. And there's less than a 50% chance at *best* that your ammunition will be able to effectively penetrate the metal.



In progressing through the Crisis Zone, there are other considerations to keep in mind.

Because of your vulnerability in that zone, it's to your advantage if the driver does not know exactly when you enter it. Daytime, you can instruct him to turn his outside mirror in before you leave your patrol car and at night shine your high-intensity flashlight or spotlight into it to blind him so he cannot watch you without turning in his seat. Instead of pulling up or pushing down on the trunk lid to be sure it's closed and won't pop up to produce a hidden assailant, just visually inspect the crack or brush your fingertips over it to confirm that both sides are aligned. If you touch the car forcefully, the movement will reveal your location not only to occupants up front but also to anyone lurking inside the trunk. Once you are Located, an assailant hiding in the trunk can easily shoot out through the car's side and hit you.

If your inspection of the back seat reveals a *hidden* passenger you assess as a potential threat, don't stop and conduct a challenge in the Crisis Zone. *Back off*, either by retreating backwards to your vehicle or moving to another cover position. *Then* command the passenger to make himself and his hands visible to you. Under these circumstances, you may choose to *quickly* run *between* the two vehicles to a safer spot. The relative risk of the driver being able to start his engine, back up and pin you before you clear the bumpers is probably less than that of an assault from someone who hides in a back seat.

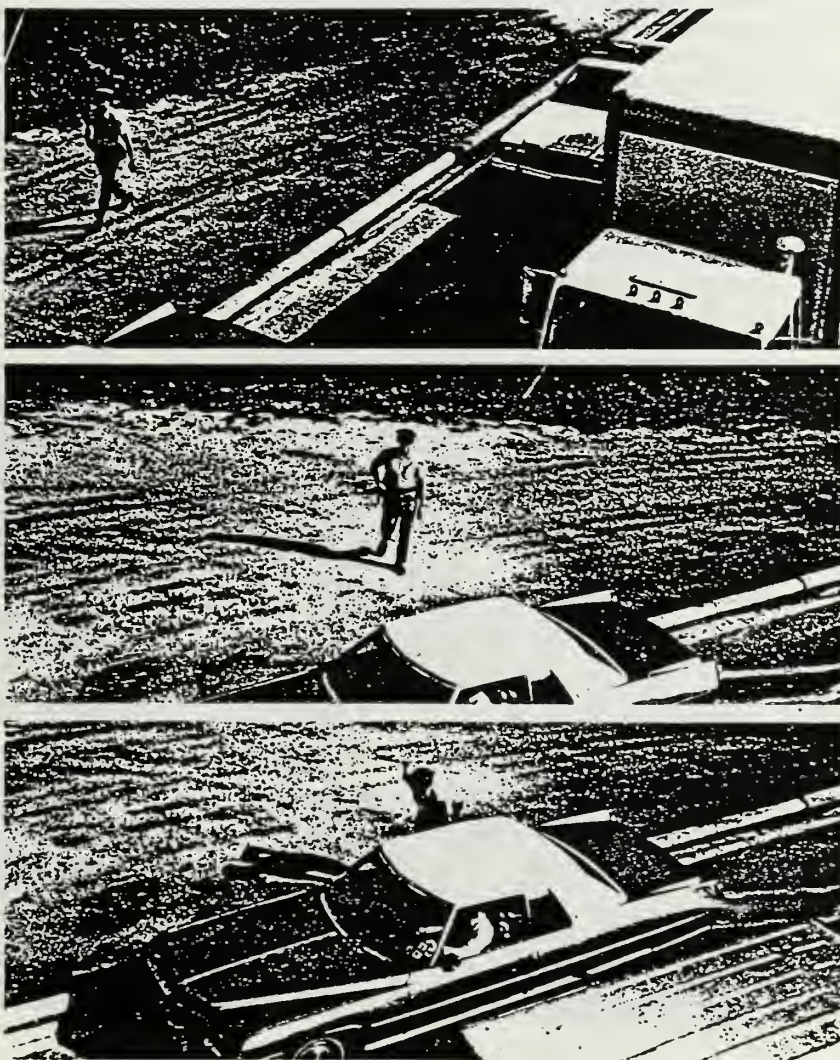
Where a back-seat passenger is *visible* and you stop your approach just short of the rear window, have the driver relay his license back to you via that person. That way you are not moving to where the passenger has an easy angle of attack.



Some officers like to walk all the way forward to the front windshield post and turn and face the driver to converse with him. They argue that they can see his hands better, can read the VIN and can also watch out for approaching traffic. Bear in mind, however, that this puts you squarely in the Target Zone. Depending on the design of the violator vehicle, hands actually are not always as visible as you may imagine from this position, especially those of back-seat passengers. If an occu-

pant does succeed in making a hidden threat action, your options for cover and movement again are very limited.

As a use of surprise and a means of avoiding the Crisis Zone, you may want to approach from the *passenger* side on some stops, circling around the rear of your patrol car as the most cover-conscious means of getting there. Numerous officers have saved their lives with selective use of this approach, especially in high-traffic areas. A patrol supervisor in New Mexico chose it when he noticed that his spotlight in the side mirror seemed to make a driver he'd stopped for drag racing unduly nervous and fidgety. With the driver's attention focused on the mirror, the officer came up undetected on the right side—and saw the violator holding a .32 cal. semi-automatic in wait for a conventional approach. The supervisor drew his revolver, ordered the driver to take the pistol by the barrel with his left hand and put it on the dash; in stunned compliance, he did. In Illinois, an officer discovered from the passenger side, that a *submachine gun* was levelled for a driver's side approach. He had unknowingly stopped a drug dealer who was transporting 20,000 illegal Quaaludes.

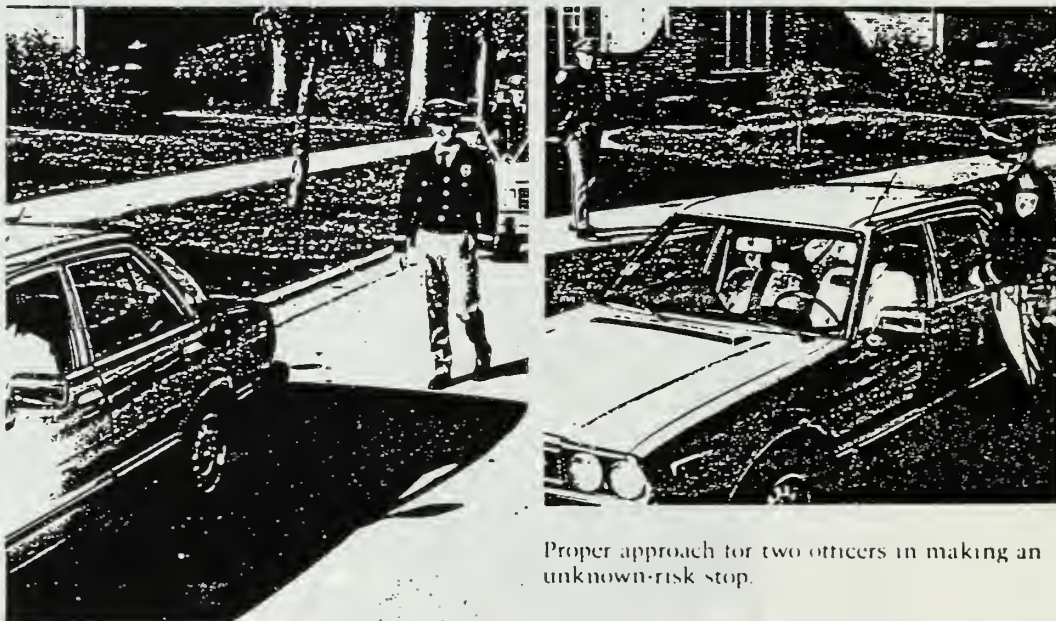


*A passenger-side approach requires EXTRA CAUTION on your part not to give away your position. Remember, from inside the car, the passenger side constitutes broad Target and Point Reflex Zones that, with anticipation, are easier for a driver to shoot into with either hand than the same zones on his side.*

If you are working with a partner, only one of you should approach the car initially to keep both from being drawn into the kill zone simultaneously. One option is for you to go up while your partner stands behind the passenger door of your patrol car, with access to the radio and shotgun. Have a means of communicating, via code words or sign language, that can't be understood by occupants of the vehicle. Two Maryland officers, for instance, arranged that calling out to each other by the wrong first name meant something was amiss. Once you've established that there's no detectable threat, your partner then can move to the right rear of the violator car, where he can keep an eye on any occupants and provide a different field of view of the interior.

An alternative, especially at night, is for the passenger officer to approach first on his side and attempt to clear visually as much of the car as possible without being detected. He then signals you, as driver officer, to approach on your side. Just as you are about to enter the Crisis Zone, the passenger officer knocks on the side of the car, attracting the occupants' attention. You then quickly advance through the zone to the position where you want to contact the driver. After that, your partner stays by the violator's right rear fender, returns to your patrol car or flanks out to cover or concealment on the right to monitor the stop.

Having an officer on each side of the vehicle offers obvious visual superiority. The officer watching the passenger side of a small pick-up truck in Virginia was able to see a violator reach toward a cocked semi-automatic lying beside him on the seat and push off the safety. When the officer yelled out a warning to his partner, the offender realized there were more officers deployed than he'd thought. He quickly pulled his hand away and surrendered without resistance.



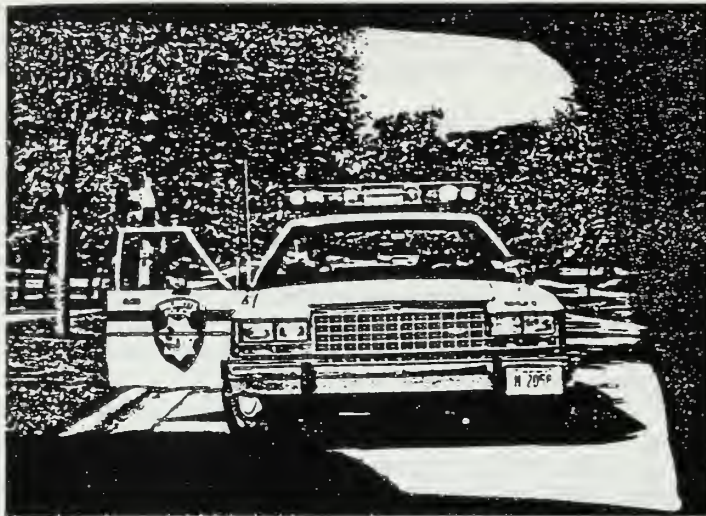
Besides the Threat Zones grouped around the violator vehicle, there's also a Cite Zone, where you write your citation. This satellite zone is moveable at your option, but some locations are better than others.

In your front passenger seat, for instance, you are less likely to be in a direct line of fire from the violator vehicle than behind your steering wheel. By keeping your ticket book up at eye level as you write, rather than resting it on your lap so you have to lower your head, you can maintain good peripheral vision on your principal Problem Area and Areas of Responsibility. Keep the passenger door open to facilitate a fast exit, if necessary. If someone approaches and tries to slam that door while you're in the passenger seat, you can repel them by drawing your knees toward your chest and kicking out on the door hard enough to knock them down.

You'll have more physical mobility and more of your patrol car as cover if you stand near your right rear fender, with your front passenger door open. Here the violator will have to make a major, detectable movement to Locate and Attack you. Don't stand directly behind your patrol car but slightly to the side so you're likelier to be clear of the crash if you are rear-ended by a drunk or reckless driver. This is not an uncommon problem, especially on nighttime stops, because drunks sometimes perceive stationary tail lights, hazard lights or flashing emergency lights as highway markers they should try to drive *between*. From this location, you may be able to look under, over or through your emergency light bar to maintain your visual on the violator vehicle. If shooting starts, you can drop down beside the wheel and right rear quarter-panel out of sight. If you are a motor officer, you can use the right rear of the violator vehicle as your Cite Zone with the same advantage, provided the driver is the vehicle's only occupant. This tactic should never be bastardized as it was recently in the Midwest, however. The officer was on the passenger side of the vehicle writing the ticket with his book on top of the car—and with the violator standing directly *behind* him.



Locations that may be convenient, but are also dangerous.



What they see (left) and what you see from inside using the front right passenger seat. The cite book is held up against the dash so you can periodically glance at the subject vehicle to maintain visual contact.



Standing to the right rear and slightly to the side affords the best concealment (left). Above right, you see how this location also allows you to surveil the violator between the roof and the light bar.

Above all, DO NOT PLACE THE VIOLATOR INSIDE YOUR PATROL CAR BESIDE YOU while you write the citation. There he has ready access to everything you have that he can reach, probably including your *sidearm*, and to any radio intelligence you receive about him at the same instant you hear it. Violators and their passengers are unpredictable. While a speeder sat inside a trooper's car on the West Coast, listening to him run a warrants check, a passenger who'd been left behind in the violator's car suddenly drove off at a high rate of speed. Keeping the violator beside him, the trooper gave chase. The pursuit lasted for 13 miles at speeds up to 100 m.p.h. and ended when the suspect lost control and struck a fire hydrant. Later the trooper discovered what an incredibly close call he'd had: both subjects were wanted for robbery and in their car was a ski mask, a sawed-off shotgun and other contraband. There also was a big dog which, when the trooper ran past the wrecked car to catch the driver, attacked the officer, knocked him down and chewed his face. Despite a legion of horror stories, highway patrol officers, especially, persist in sharing their front seats with violators, usually without even searching the persons they're allowing to enter their "sanctuary." In some cases, officers even put *prisoners* in the front passenger seat, handcuffed *in front*.

As you walk from the violator vehicle to the Cite Zone you've selected, do not lose visual contact with your principal Problem Area, the violator vehicle. By twisting slightly, you can keep looking behind you to observe the vehicle, while appearing just to be checking it over for possible safety violations.

When you return to present the citation, be alert to changes that may have occurred in your absence. A passenger who was asleep may now be awake or a weapon may be newly visible. Returning a violator's license, one Wisconsin officer again shined his flashlight into the rear seat, as he'd done before. Only this time, he saw the barrel of a sawed-off shotgun sticking out on the floor. He'd missed it earlier—when it had been concealed between the driver's legs.

*Each new approach to the vehicle is like a new stop.* Don't be lulled into a false sense of security by the initial encounter. Your threat assessment should be just as active the second time up as the first, attuned for even subtle signals that your risk has changed.

Your return to your vehicle should be survival-oriented, as well. One California motor officer maintained the tactical edge throughout the stop of a young driver and his female companion. But as the officer headed back to his bike after handing the driver a citation, he turned his back on the car. Several shots rang out from that unmonitored Problem Area. The officer was hit three times, and then was disarmed as he lay dying.

## ***Searches***

There will be times during some vehicle stops when you develop probable cause to search the interior, without sufficient evidence yet to make an arrest or to initiate full high-risk procedures. NEVER TRY TO SEARCH AN OCCUPIED VEHICLE.

If you are alone and dealing with a lone driver, you can place him in your patrol car (if it's partitioned) after searching him first. At night, turn off your headlights, turn on your interior lights and turn your lighted

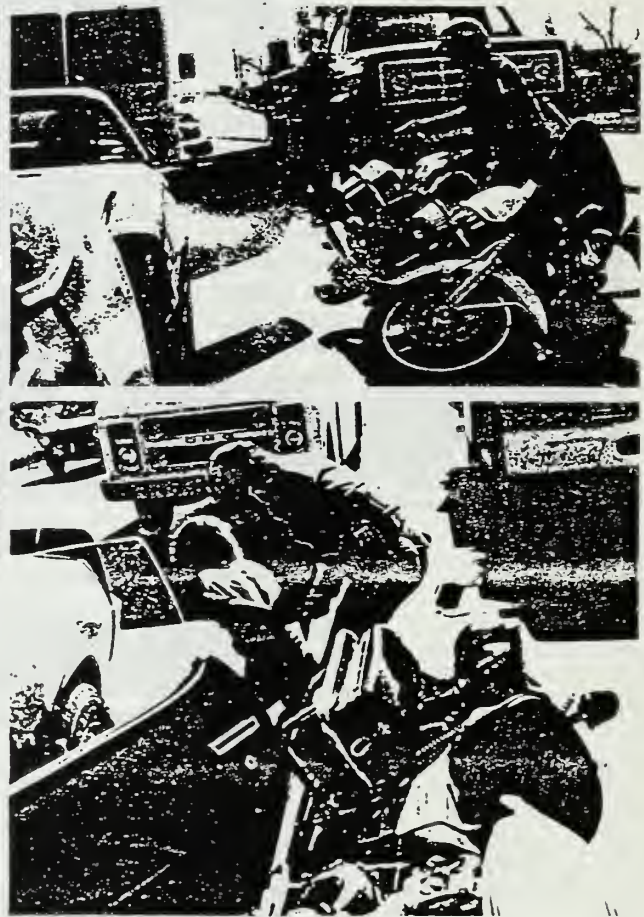
## High-Risk Stops

So far we've discussed only stops of unknown risk, where there is no initial evidence of threat. Where there *is* presumption of risk, you are a lot more *high-profile* with your tactics. That includes cases where your NCIC check indicates the car you're about to stop is stolen...or where the driver or a passenger fits the description of a suspect who is reported to have displayed firearms or is wanted for a serious crime...or where a traffic violator suddenly rabbits into a high-speed chase...or where your intuition and experience warn you that something's hinky. Here you want to give *yourself*, not the driver, the benefit of the doubt.

To effect an arrest under such circumstances, suspects must be *removed from their vehicle* while you remain at a *distance*, with your sidearm or shotgun in position. One of the few absolutes in officer survival applies to high-risk stops: *never EVER* approach an occupied vehicle.



An incredible set of photos of a motor officer conducting a high-risk stop by himself. Although the officer survived and made the arrest, look at his vulnerability if the driver had decided to start shooting (above).



There's a *near-absolute*, too: except in *rare* cases, DO NOT attempt one of these stops ALONE. There may be some occasions in which your threat assessment indicates that you have hope of controlling the Problem Areas and Areas of Responsibility you're faced with by yourself. For example, you may stop a robbery suspect who's riding a motorcycle, and

you can see he has no backup support and no effective cover opportunity. Or you may stop someone who moments earlier beat his wife in a domestic row and then fled in the family car. You can be reasonably certain he has no hidden passengers and that you're confronting him one-on-one. Even then, you're incurring certain risks you should be aware of; it's extremely difficult, if not impossible, for you as a single officer to give commands, make arrests and provide firearms control when you may be up against violent resistance. But for certain in any case where you're outnumbered or for any other reason feel you may be stretching beyond the point where you can protect yourself, *hold back* until you get support there, regardless of how long it takes.

Resist the kind of impulsive *action orientation* that could have easily proved tragic for a West Coast trooper. During a high-speed chase, a small pickup truck, later found to be stolen, spun out of control and landed against a fence along a freeway ramp. As the teen-age driver struggled with the gear shift, the officer drove his patrol car *directly up against the front bumper* of the truck to block its escape. The officer then exited into the open with his sidearm drawn. The suspect lowered his hands out of sight for a moment, but finally surrendered. Within his reach was a .30-30 rifle lying on the seat beside him. During the chase, he had fully loaded it and put a round in the chamber, intending to shoot the trooper. He changed his mind at the last moment.



Here an officer pulled up alongside this pick-up camper, which he knew was stolen, exited and was shot and killed. He had called for back-up but didn't wait.

Restraining yourself may mean following the suspect to another location or jurisdiction where backup is available. Or radioing ahead to arrange a roadblock. Or you may *initiate* the stop by halting the suspect vehicle and then *freeze the process* by attempting a bluff containment until help arrives. That is, you:

- *locate the stop to your advantage.* Halting the vehicle on a high bridge or pulled so close to parked cars that the right doors can't be opened, for example, limits escape opportunities. In bad weather, you may be able to position yourself under an overpass, with the suspect car exposed to the elements. (If the suspect vehicle stops suddenly before you intend it to; consider accelerating *around* it. Offenders may try this, especially just around a blind corner or by using their hand brake so as not to flash their tail lights, in hopes of startling you into stopping cold

where you are powerless to defend yourself. *Keep going past the vehicle until you are in a protected position.* Don't make the mistake of two Canadian constables, who stopped close in front of a vehicle that braked suddenly. They then got out and approached the driver. In effect, they placed themselves in a "free fire" zone. The driver, a commando fanatic, opened up with a volley of rifle shots and killed one of the officers.) Stopping to the rear, you should be back about 30 to 40 feet to buy time and distance. At night, ideally, you want yourself concealed in darkness, the suspects exposed in light.

- *illuminate the suspect vehicle.* Even in daylight, your high beams, spotlight(s) and an ultra-powerful auxiliary light mounted on your light bar can enhance your vision and hamper the suspects'. Before you go on patrol, either an auxiliary light or your spotlight can be set at a level to hit directly in the eyes of a driver of average height exiting a vehicle.

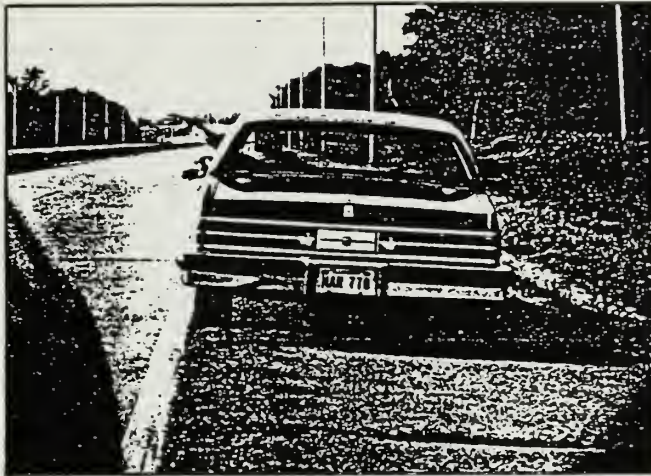
- *get behind cover.* If better cover than your patrol car is available, *leave your vehicle.* You may still be able to use your outside speaker to broadcast commands to the suspects. If radio traffic can be fed into your P.A. system and you have a secondary, low-traffic channel available, set your radio to that frequency. You can now relay your commands through your speaker from a remote location via your portable. The suspects will likely believe you are still in your patrol car. In addressing the suspects, always use the term "we" when referring to yourself, to imply the presence of other officers. And if you do leave your vehicle in cold weather, be sure to take your *gloves* along.

- *announce your purpose.* You want to eliminate all doubt as to your identity, intent and ability. After identifying your agency, state the reason for the stop. Example: "You are under arrest. You are robbery suspects. We believe you are armed and dangerous." This informs true suspects, as well as mistaken ones, that this is serious business and adds a degree of reasonableness to your demeanor. This may later prove helpful in court.

If your announcement is in English and the suspects don't speak that language, your initial dialogue and subsequent instructions may not be comprehended. This may be true with intoxicated subjects, too. Under these circumstances, offenders may get out of the car and come back toward you to see why you've stopped them. Be prepared to make a tactical retreat if they attempt to approach your position. Above all, don't let their supposed inability to understand you lure you into attempting to approach them.

- *order the suspect vehicle immobilized.* If it has been hot-wired, there may be no ignition key. A command simply to "shut off your engine" rather than "turn off your key" will cover all circumstances. When the engine's off, have the driver place the keys, if any, on the roof or drop them on the ground. Throwing them out the window may rocket them into a snowbank, a field, heavy traffic or some other place where recovery will be tough.

- *command the occupant(s) to stay inside.* So long as everyone is inside, your Problem Areas are consolidated. If you order the suspects to prone out on the pavement while you're alone, as some observers recommend, you expand your Problem Areas—and their mobility—beyond what even your trained mind may be able to deal with. A rural Illinois officer one night allowed seven occupants of a car he'd stopped on a drug arrest to get out while he waited for backup. They quickly spread out all over the highway and into the ditches. One slipped on wet grass and broke a leg. Had they turned violent, the officer would have had little hope.



Some officers order all occupants to roll down the window nearest them and stick their *hands outside*, with fingers spread and palms turned so these Areas of Responsibility can be kept under surveillance. With this option, cold can be used to your advantage in winter by having the suspects remove gloves. After a bit their hands may be cold enough to affect their shooting accuracy. The hands-out tactic can work well on vehicles with tinted glass and other barriers to seeing inside. But keep in mind that having a suspect lower a window gets his hand out of sight temporarily and puts it in the vicinity of where firearms are often hidden. With the glass lowered, it's easier for him to suddenly stick a gun out and shoot you.

A better option where visibility inside permits is for the suspects to interlace their fingers behind their heads, elbows out to the side. If the car is well-illuminated, you have a good chance of seeing an early warning of movement. Unless a nearby window was already down when you initiated the stop, a suspect in order to shoot will have to open a door, lower a window or shoot through glass. The latter constitutes a strong psychological barrier to most people. If one or more suspects do fire, the sound of the gun going off inside the vehicle will be so deafening it may seriously disorient them in terms of their immediate follow-through ability.

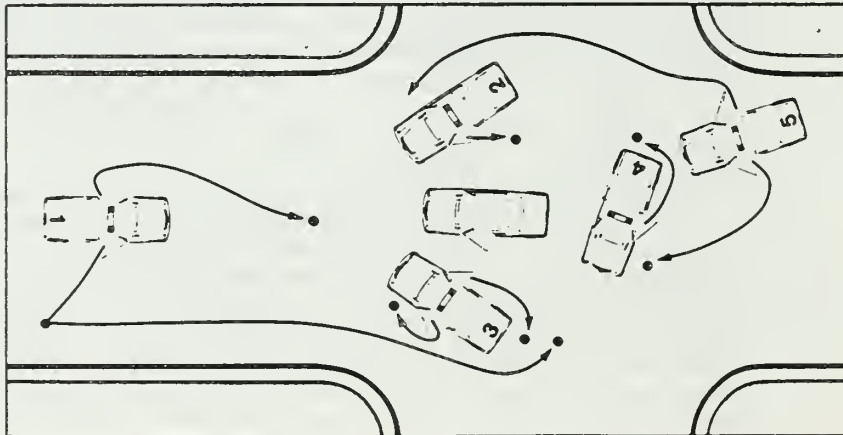
- *maintain surveillance with a shotgun or rifle trained on the suspect(s).* With the prospect of having to fire at assailants inside a car, a long gun with good penetrating power is highly desirable. So is their *knowing* that they are in your cone of fire. In California, one suspect said the only reason he decided to launch a fatal attack during a vehicle stop was because he knew no one had a gun on him.

- *stabilize the situation until you have enough manpower to proceed.* Finish the stop **ONLY** when the balance of power is in *your* favor. Meantime, creativity may buttress your bluff. Some officers patrolling remote areas alone secure a spare helmet on their passenger headrest to simulate a partner. One carries a tape recording of a German shepherd, snarling and barking, that he can activate over his P.A. periodically on a portable recorder to make it appear he has a K-9 with him. In any case, *tell* the suspects they are under control. If you sound convincing, they'll be encouraged to act accordingly.

Display cases in police department lobbies are filled with the badges of dead officers who didn't have the patience or confidence to wait...or who bought into the lethal philosophy that "if backup is an hour away, you *have* to go it alone." A 12-year officer in New York stopped a vehicle suspected of being used in a series of neighborhood robberies. Without waiting for backup, he approached and was shot by the driver with a .38. Although the officer returned fire and wounded his assailant, the suspect backed the vehicle over him, snagged him on the undercarriage, then roared down the street for seven blocks, dragging and mutilating his body. In Alabama, a single trooper approached two vehicles he knew to be occupied by robbery suspects. One subject partly opened a door and shot the trooper down with a .44 Magnum, then exited and finished him off with rounds to his chest.

With persistence and insistence, backup often is more available than you may imagine, even in rural areas. An officer who radioed that he was being fired on in a remote farm hamlet in Michigan drew an estimated 60 officers to the scene, some riding three or four to a car from 80 miles away! If you really cannot get help, *you can always let the suspects go.* The law does not demand that you complete *any* arrest at the sacrifice of your own life.

With help on hand, the placement of officers and additional patrol cars is the first step in avoiding the unorganized, free-for-all "clusterfuck" approach so common—and so hazardous—on high-risk stops. *Each officer at the scene should have an assigned responsibility.* Other-



wise, too many officers may be as much a threat to your safety as too few, for one or more are bound to try to force themselves into the action inappropriately. *Don't try to impose one rigid format on every situation, however.* Specific settings and circumstances will change on practically every high-risk stop you make. You want *flexibility* to adapt your positioning to the nature of the threat, to the manpower available and to the surrounding environment—while still respecting sound tactical principles.

**Good placement always promotes:**

1. *cover* for the officers involved;
2. *separation* of officers, so they are not bunched in a single line of fire from the suspect vehicle;
3. *surveillance* of the Problem Area and all Areas of Responsibility;
4. *fields of fire* from your side that encompass the vehicle and all suspects without endangering any officers or innocent onlookers;
5. *light control* to your advantage;
6. *maneuverability*;
7. *efficient arrest procedures*, and
8. *perimeter control*, if possible.

These principles apply regardless of the number of officers involved.

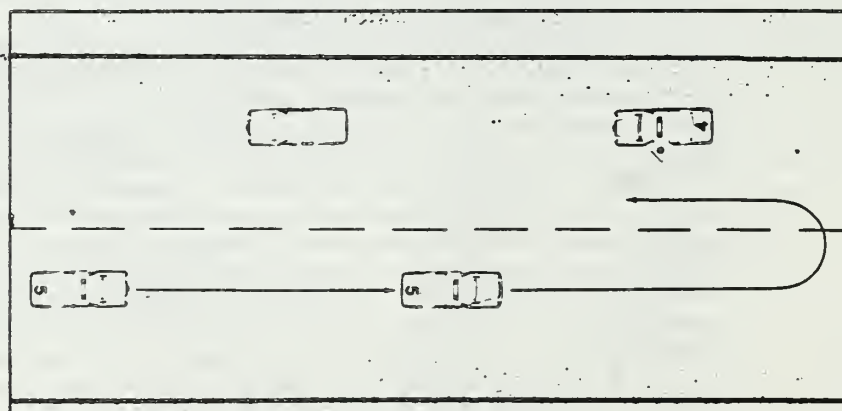
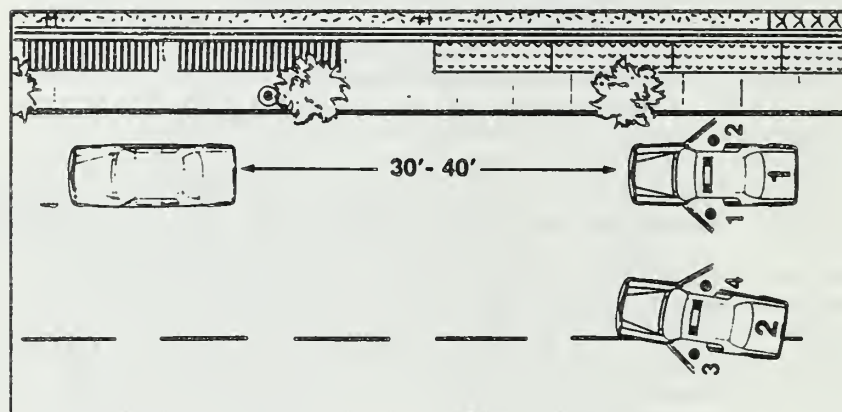
As illustration for how ignoring or observing these considerations can impact the tactical integrity of a stop, assume you respond as a single backup on a two-officer stop. If you pull up behind the first officer with your lights on and he is still in his patrol car, you silhouette his position, making him an easier target. If you park bumper-to-bumper with him, you eliminate his chance of a tactical retreat. If you park exactly parallel to him, you lose the maximum effectiveness of your headlights in illuminating the suspect vehicle. If you run from your patrol car and position yourself behind his right rear fender, a spot some officers favor, you limit your visibility and make yourself vulnerable to ricochet fire off the side of the car. Also, you'll likely prove distracting to the primary officer, because officers tend to glance around any time someone is behind them to check on their actions, etc.

On the other hand, if you pull along the left side of his patrol car and *angle* your car toward the suspect vehicle about 15°, you maximize your light capability. Also you provide a good angle of fire for yourself if you have to remain in the driver's seat because of inadequate cover elsewhere. You'll have some cover protection from the engine block and the windshield post. Because you are laterally separated from the primary officer, it will be difficult for a single gunman to pin you both down. Both patrol cars can back up, if necessary. If manpower permits an additional officer to deploy to the front passenger seat of the primary vehicle (or flank out to suitable cover nearby), your combined visual expands to include the Areas of Responsibility on both sides of the suspect car. You have good fields of fire on anyone exiting that vehicle from any door or the trunk. As the stop progresses, you can move to an arrest position without creating or entering a cross fire, and so on.

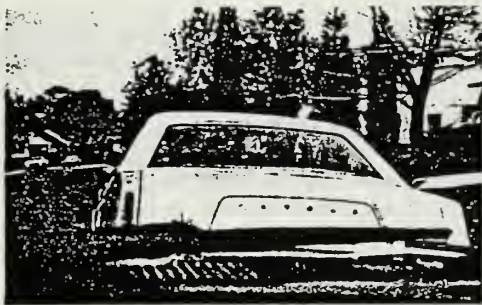
The primary officer alone should issue commands to the suspect(s), regardless of the number of officers deployed. This minimizes confusion and contradiction. As primary officer, keep your sidearm at firing level. Visually and verbally focus on each suspect who exits as your Problem Area, until that individual is in a controlled position.

If there are only two of you, your partner can initially keep a shotgun trained on the suspect vehicle and later serve as control-and-arrest officer. If you're partners in the same car, he can occupy your passenger seat; if he's backup, he can initially stay in his front seat, unless better cover is available nearby.

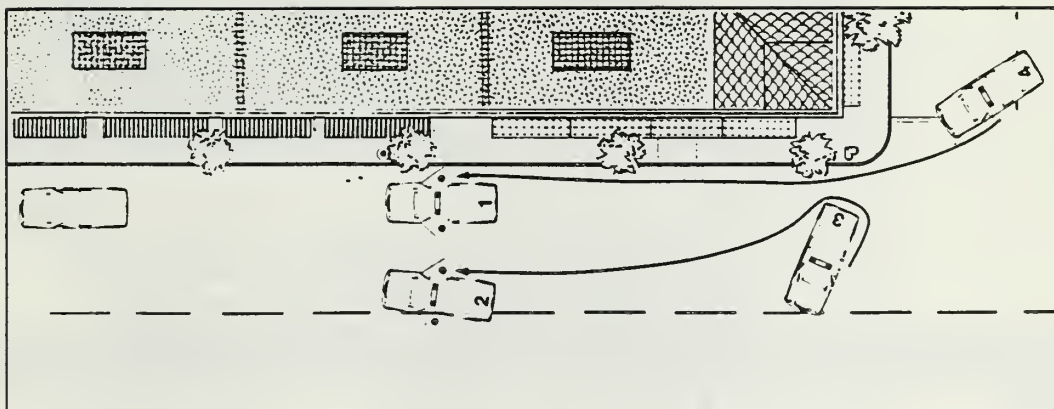
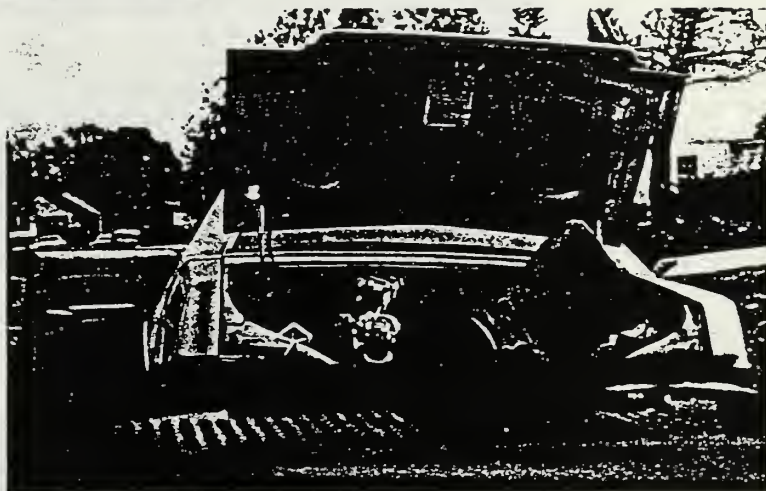
Various options are available for deploying additional patrol cars and officers. If a third patrol car arrives, one possibility is for it to pull into a crosswise position a distance behind the first two cars. This angle eliminates a lasting silhouetting from that car's headlights and also provides something of a blockade for traffic coming from the rear. The officer from this patrol car can deploy to the passenger side of your backup's vehicle and help in guarding the Areas of Responsibility on the left side of the suspect car. This support will be important, because as primary officer you are bound to experience some separation of focus in trying to give commands, monitor each exiting suspect and maintain firearms readiness. The third officer may also become the control-and-arrest officer, depending on your stop procedure. However, this third car should be positioned far enough back that the first two cars can swing out around it in reverse if a sudden retreat is necessary.



(bottom) If your first back-up approaches by passing the suspect car, he's heading into the kill zone. Better that he approach from your rear. If that is not possible, give him a perimeter position ahead of the suspect vehicle.



What you see is a patrol car-to-suspect vehicle distance of twelve feet...and look at the surprise! At a distance of 30-40 feet, the trunk suspect would have a harder time getting on target, especially at night.



Positioning for the two primary units as well as additional principal units. Both Units 1 and 2 have room to back up quickly if escape is necessary. The driver of Unit 3 moves forward to Unit 2 and takes a cover position on its passenger side. The driver of Unit 4 parks where his vehicle blocks off side-street traffic. He then moves forward to become the passenger officer in Unit 1. He and the driver in Unit 2 are armed with shotguns.

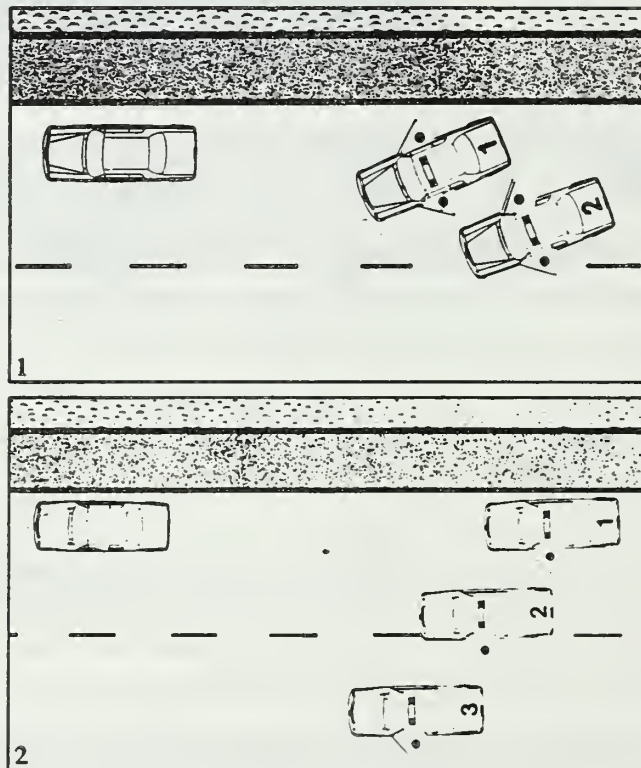
A fourth patrol car approaching from the rear can make a U-turn before reaching the third unit and park facing back into traffic, with headlights and flashers on as a warning. That officer can move to the passenger seat of your primary unit (or flank out to better cover), to

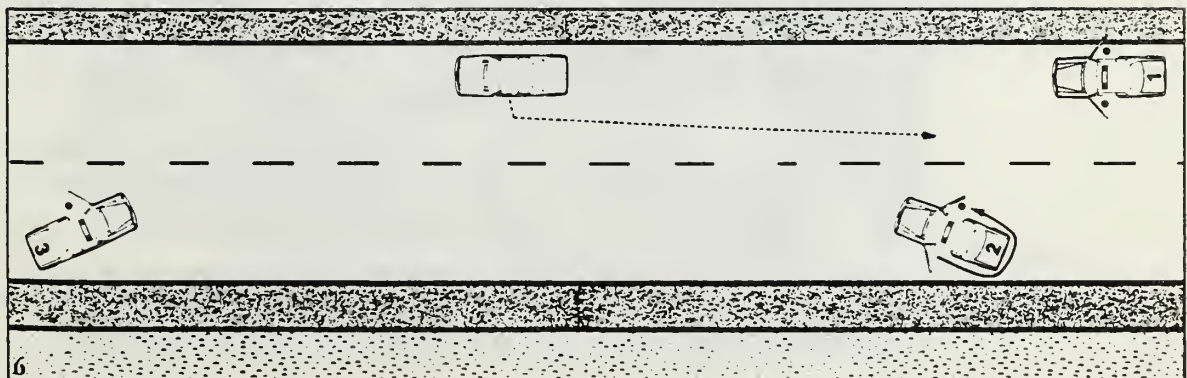
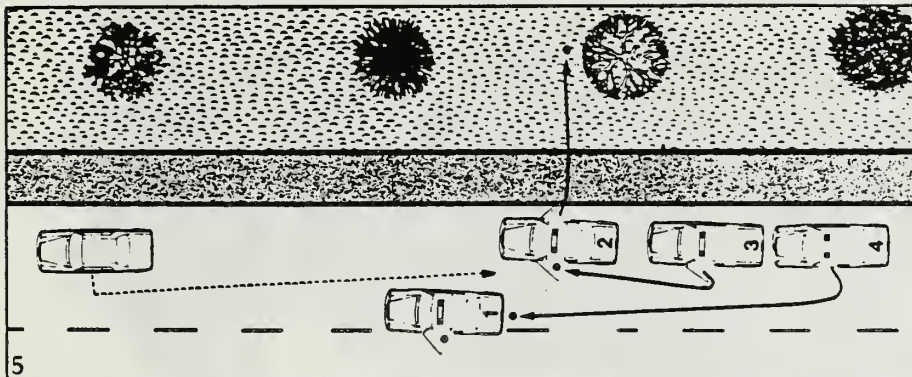
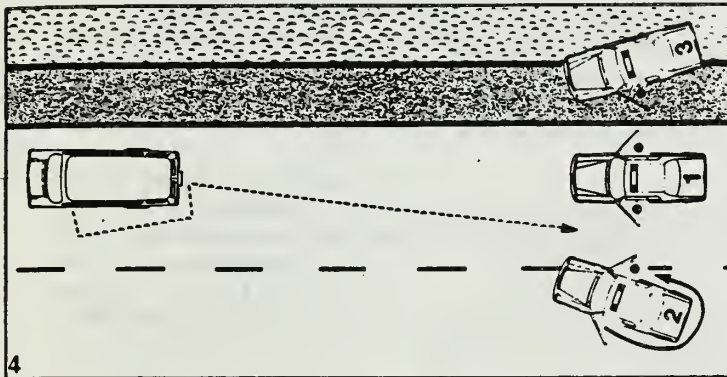
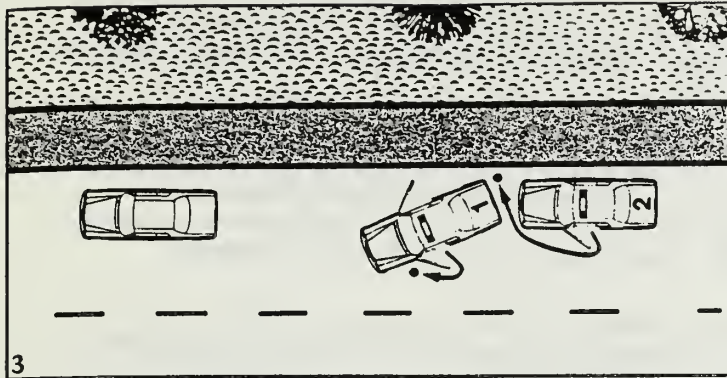
provide shotgun surveillance of the right side of the suspect vehicle. If he's able to flank out, his intelligence-gathering from that unexpected angle can be very important.

Additional officers, if any, can help in securing prisoners away from the primary and secondary patrol cars, can serve as forward observers or can establish outer perimeter control to block off traffic flow headed toward the stop.

Generally, the primary officer, regardless of rank, controls the response deployment as well as dialogue with the suspect(s). A superior officer can direct arriving officers to the positions requested by the primary officer, or according to your department's written policy, if one exists. As with tactical deployment in other high-risk situations, however, *positioning for a high-risk vehicle stop MUST be rehearsed on a regular basis*, or it will deteriorate under stress, with participants who have not practiced.

There are *other* possibilities for how to position vehicles on a high-risk stop. These, too, have to be rehearsed. Certainly some are safer than others, and some are nothing more than the technique shown on the previous page being adapted to existing road and environmental conditions. For your analysis we share with you six alternative stop positions. All are currently being used in the field and are being taught to officers. To evaluate each one, list what you see as the strong points and weak points for each positioning. Some observations appear following the last illustration in the series. You can compare your reactions to those of fellow officers who have studied these configurations and experimented with their strengths and weaknesses.





*Position 1.* This has been a popular two-vehicle positioning. However, today many regard it as obsolete for these reasons:

1. Both patrol cars are parked too close to the suspect car.
2. A 45° angular parking position reduces or eliminates high beam effectiveness.
3. Passenger officer in Unit 2 presents a cross-fire problem for the driver of Unit 1.
4. Passenger officer in Unit 1 is highly vulnerable to attack from the suspect vehicle, especially from its passenger side.
5. A tactical retreat by Unit 1 would be difficult if not impossible unless the shoulder of the road permitted such an exit.

*Position 2.* This procedure has some very positive features:

1. An effective distance exists between the suspect vehicle and Units 1-3.
2. Officers are well separated, minimizing the bunching effect.
3. Officers are able to maintain good illumination of the suspect car.
4. Unit 3's position shuts down traffic coming up from the rear.
5. All three patrol cars could exit the scene if necessary.

There are some considerations to this stop positioning which must also be considered:

1. Officers in Unit 2 and Unit 3 have to be careful not to park too far forward or they become back lit by Unit 1's lights.
2. On a busy road at night, Unit 3 would probably emit blinding light at civilian vehicles heading toward the suspect vehicle. This problem could be reduced by parking Unit 2 and Unit 3 at a slight angle to the suspect car. Better yet, have perimeter control shut down traffic totally.

*Position 3.* This positioning has some major problems to deal with:

1. Unit 1 is parked too close to the suspect car.
2. Because of positioning, Unit 1 and Unit 2 are denied the opportunity to aim their highbeams at the suspect car for general illumination and visual tracking of suspects should they flee on foot.
3. If Unit 2 has lights left on, the Unit 1 officer will be silhouetted.
4. Unit 2 officer has a poor visual on the suspect car, especially the driver's side.
5. Officer in Unit 1 has the luxury of a back-up officer. However, Officer 2's position makes his value limited. Officer 2 is also standing to the rear of Officer 1 which can be dangerous.
6. Unit 1 could not make a tactical retreat.

*Position 4.* This one has advantages outweighing disadvantages and could be effective even with van stops. Advantages include:

1. Excellent distance kept between officers and suspect vehicle.
2. All highbeams are aimed at the suspect vehicle for a solid bath of light.
3. All officers are separated, yet they are in visual contact with each other. This separation would probably be a real obstacle to a hostile occupant of the suspect car.
4. Both sides and the rear of the van are covered.
5. All three patrol cars could retreat if they had to.

When applying this position, realize that there may be limitations due to the type of road.

*Position 5.* Good points here include:

1. Passenger officer from Unit 2 flanking out to cover (should be behind tree) to observe movement inside the suspect car.
2. Good distance between suspect vehicle and patrol cars.

There are some problems, however, with this positioning to consider:

1. Single file positioning (with Units 2-4 blacked out) is really more appropriate on a narrow street. Given that environment, this positioning might have more validity.
2. A tactical retreat for Unit 2 and Unit 3 would be difficult or impossible.

*Position 6.* Another stop positioning with some strengths and some weaknesses. Strengths include:

1. Deployment of Unit 3 for perimeter control. Might be better to park even further back from the suspect car and still be out of cross-fire range of Unit 1 and Unit 2.
2. Good lighting on the suspect car.
3. Good escape routes for all patrol cars.

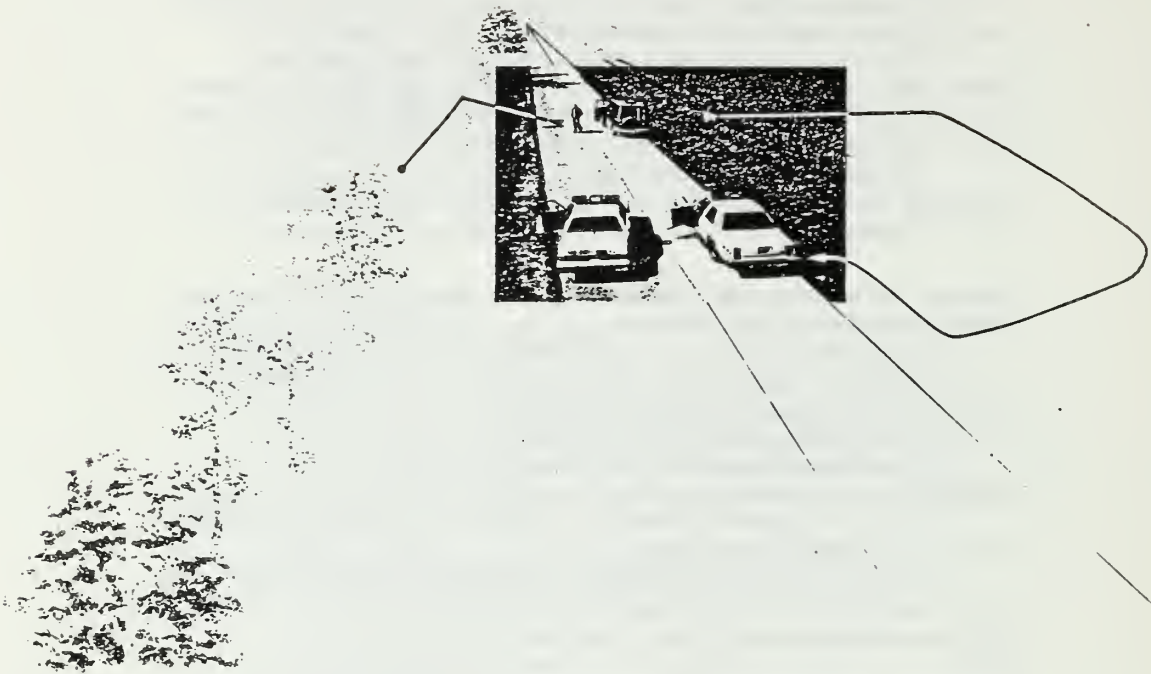
But there are a few problems here to consider. Did you notice:

1. Unit 1 is probably parked too far from the suspect car to detect subtle movement inside.
2. Units 1 and 2 are parked too far apart from each other, which may result in verbal communication between officers being overheard by suspects.

What you should consider now are ways in which the best features of these examples can be adapted to your current high-risk stop positioning. Then role-playing will help give you the crisis rehearsal you need to perform that revision under the stress of an actual stop.



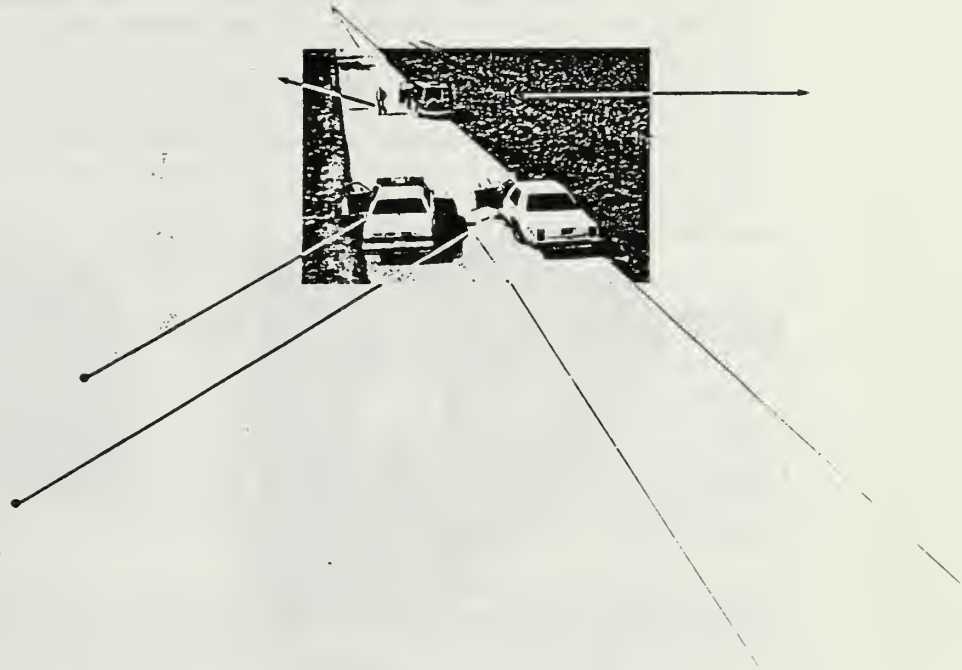
Picture yourself as the primary officer here. You are starting to give verbal commands. One back-up unit is parked to your left and you are waiting for other officers. Suddenly this is what you see of your high-risk occupants. In a split-second they will both take off on foot. What do you do?



In this situation, one option that you and your back-up have is a tactical retreat. Then a re-evaluation of the situation. But you also have a golden opportunity to apply Tactical Thinking in another way to solve the problem of high-risk suspects who won't cooperate and flee on foot. Let's explore for a moment the thinking behind your other option.

As the two visible suspects leave, the male is running laterally away to the left, maybe to a tree. The female runs laterally into the cornfield and has an excellent opportunity, like her partner, to double-back and come around to the rear of the patrol cars and open fire (a proven terrorist tactic). If you and your partner maintain your original positions inside your vehicles because you assume you have good cover and concealment, you made a poor judgment. It would be nearly impossible for you two to defend yourselves from your present position.

Think back to the offenders' Thought Processes necessary for an assault. They have already Located you prior to their exit. Once they run, you temporarily lose the ability to Locate them. The offenders at this



point have four Problem Areas (two officers, two patrol cars). But you and your back-up have a total of five Problem Areas (two suspects, the van which may still contain additional hazards, the tree area and the cornfield). The way to compensate for this limitation is to *increase* the offenders' Problem Areas and eliminate their first Thought Process, their ability to Locate you.

When you and your back-up stay low and quickly move to cover behind trees (not too close together) when the offenders run, you have achieved your goal of increasing the number of offender Problem Areas because you now have added the row of trees and the cornfield to their Problem Areas for a total of six. The cornfield is added because they may think you have headed into that area to arrest the female. Now you have far better odds of Locating them before they locate you two. If they come around from behind to assault the patrol cars because they think you both are inside, you are in a good position to challenge and defend.

Once the stop has been stabilized with everyone in position, your commands to the suspect(s) as primary officer should be loud, clear, brief and specific. Tell them: "Do exactly as we say and no one will get hurt. Do not move suddenly or unless you are told to do so. *Always* move VERY...SLOWLY. We will tell you what we want you to do. But *do not* move until we say, 'Do it now...'" After a suspect complies with an order, tell him: "Don't move now!" before issuing your next command.

Remember: *the most dangerous time in an apprehension is immediately after a suspect has complied with an order.* Your natural tendency then is to relax. The suspect may know that and exploit it for attack.

Where the environment permits, you'll probably want to bring the



suspect(s) out on the driver's side. It's usually further from immediate cover opportunities, such as buildings, parked cars, trees and ditches, and this will help discourage escape attempts.

If a K-9 is available, the dog, placed on full alert and probably barking, will add dramatically to your command presence. Advise the suspects in advance that the dog will be used to stop any occupant who tries to escape or act aggressively against an officer. If someone does run, the dog can be sent after him without an officer having to leave cover and be exposed to risks from the vehicle. In fact, officers should *not* give chase immediately in that case because the dog is likely trained to key on the nearest moving target, in uniform or not. Escape attempts, incidentally, are most likely either immediately after you stop the vehicle or as you begin to remove the suspects. The favored flight paths tend to be to the front and right of the vehicle.)

Beginning with the driver, clear the front seat of occupants first, then the back. If back passengers come out first, then those in front may use the rear doors for cover. First command the driver's hands out the window, then tell him to open the door from the outside and *follow it* as he swings it fully open, keeping his hands through the window frame. This automatically brings him out of the car *facing away* from you and the other officers. Now, command him to raise his hands *high* in the air ("Reach for the stars! *Higher!*") and sidestep away from the car. Consider having him kick the door shut to hamper an exit by another occupant. If he's wearing a hat, tell him to knock it off, to eliminate one hiding place for weapons.

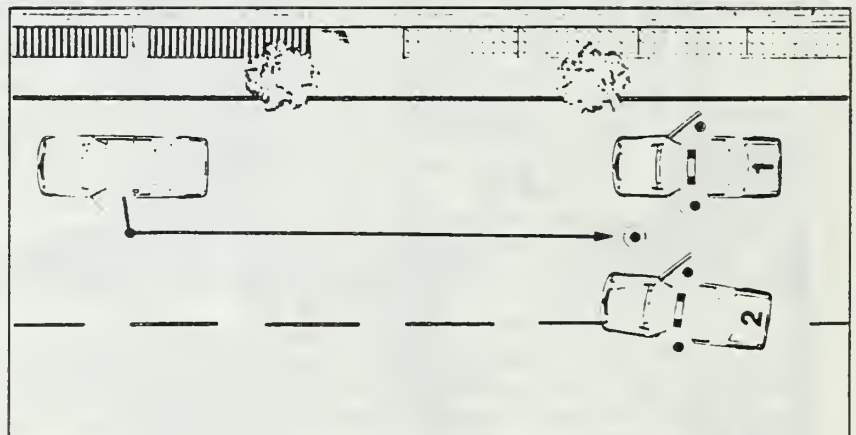
Have him make a *slow 360°* turn while you scrutinize his waistband and other locations for weapons. If you see a weapon in his hand or in his clothing, immediately command him to *face away* from you, in order to maximize his Thought Processes and hamper his ability to attack. *Do not permit him to keep possession of the weapon.* While you and other officers are behind cover with multiple firearms directed toward him and the vehicle in bright light, you have the best opportunity to get him disarmed safely. If the weapon is not already in his hand, instruct him to kneel down, *slowly* withdraw it with his weak hand and lay it down. Have him slide it as far as possible to his left so it will be out of immediate reach of any additional suspects who exit the vehicle. Then instruct him to stand and back away from it. The weapon remains there until it can be recovered later during a search of the interior and trunk.

When ordering occupants out of a two-door vehicle, be especially alert when back-seat passengers tip the seat back forward to reach the door. Shotguns and other firearms are sometimes secreted in the area where the seat breaks to go forward. Because the suspect will naturally be hunched over as he crawls out, these weapons can easily be reached without officers detecting furtive moves.

Where the suspect goes once you command him to leave the "exit arena" immediately outside the vehicle is open to two popular schools of thought.

SCHOOL NO. 1 says you "*bring him back.*" If there are two patrol cars positioned side by side with their doors open to the rear of the stopped vehicle, for instance, you can command the suspect to walk backward with his hands up high, and you guide him between the two cars.

Just as he passes the front bumpers, order him to stop, then to drop to his knees. This not only helps immobilize him, but gets him below your eye level so he doesn't block your view past him to the suspect car.



What it looks like when you fail to control distance and forego safety (top)  
Officers rush a bank robber as other suspects are ordered out of the car. (middle)  
Officer rushes toward one robbery suspect who is wounded. No cover, no plan.  
(bottom) One proper technique, bringing each suspect out one at a time



You want him down before he's close enough to throw himself against one of the open doors, squashing you or a fellow officer positioned behind it. Tell him: "*Slowly...bring your arms behind you. Do it now! Palms up! Bring your hands back toward us! Farther!*" This gets his arms back into a swept-wing position, which will hamper his movement and set him up for handcuffing.

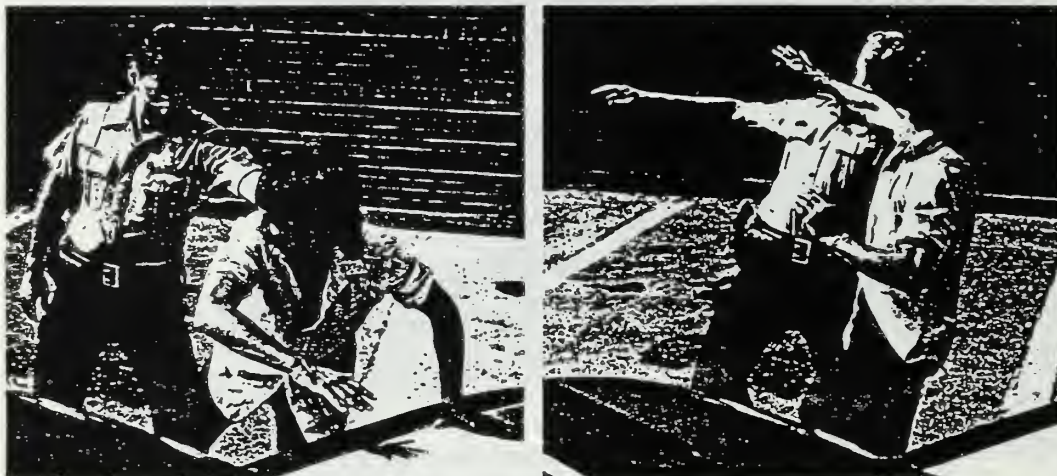
The control-and-arrest officer now moves from his position of cover (ideally, the front passenger seat of the second patrol car). He handcuffs the suspect, searches him and places him in the back seat of his vehicle or, better, in a third patrol car a distance away. The farther prisoners are kept from you, the primary officer, the less chance they'll disrupt your concentration on other suspects. Also at a distance, they have more trouble seeing the action and shouting out advice or intelligence to the suspects you're still trying to control.

A variation in movement can be used if there are only two of you and your partner is positioned on the passenger side of your patrol car. Here you can instruct the suspect to back up to the hood of your vehicle, with his hands back in a handcuffing position. Your partner moves up behind the fender and handcuffs him across the hood. In order to physically attack your partner, the suspect will have to go around or climb over the front of your car. While your partner controls and arrests,

you keep the suspect car and any other occupants under continual surveillance.

Once the driver is handcuffed, secured and questioned about other occupants and possible weapons in the suspect vehicle, the next subject is ordered out and controlled in the same fashion. The process is repeated until the vehicle appears to be empty and there is no response to your bluff command for the "passenger hidden inside" to "sit up and put your hands out the window where we can see them." After that, the interior of the vehicle and the trunk are searched.

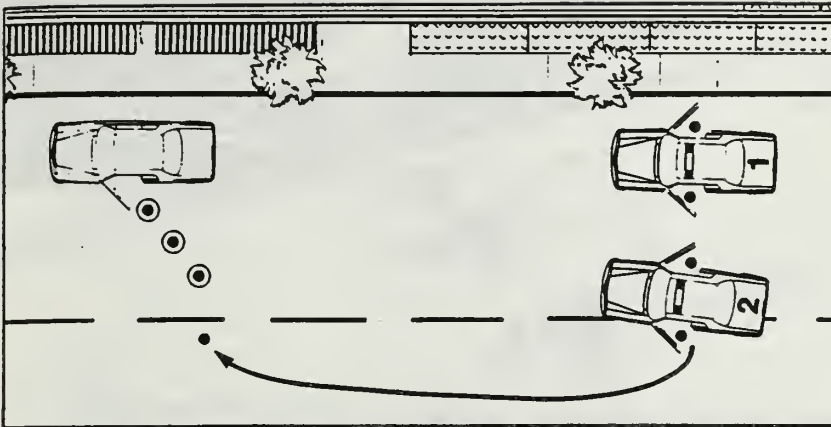
Some officers like to lay the groundwork for that search by having the last suspect removed leave the door(s) on the exit side open, so that an officer deployed at a distance to that side may be able to see inside from behind cover. This also facilitates a K-9 being sent up to search the interior. The last suspect also can take the keys from the roof and open the trunk. He is then told to place the keys in his teeth or hold them in his raised hand as he completes his movement back to the control-and-arrest officer. Of course, if the suspect vehicle is a van, you'll want the last visible occupant out to open the rear doors.



If you plan to conduct a high-risk arrest and search by a vehicle, you better have a better tactic in mind than this one. You cannot assume suspects will cooperate.

SCHOOL NO. 2 says you "*prone out*" the suspect(s) who are removed. Here you want to get them laid down in an *echelon pattern* to the left of their vehicle. After the driver exits and is visually searched, tell him to keep his hands up as he takes four or so giant steps away from the car, then four or so backward toward you. Exactly how far he should move depends on the number of suspects visible in the vehicle and your estimate of how much space they will take up together on the ground.

At the place you want the driver down, order him to turn *toward* you and prone out, belly down. If space permits, his arms should be back in a swept-wing position, palms up; otherwise order them stretched out in front of his head. Either way makes it much harder for him to do a fast pushup back to his feet than if his arms are straight out to his side. Order him to spread his legs, which will hamper his mobility more than having him cross his ankles. With the top of his head toward you, if he does try to get up, his center mass will be automatically exposed to you and fellow officers and you'll have the 1-to-8-inch ricochet rule working in your



favor. Finally, have him turn his face toward the suspect vehicle.

Additional suspects are arranged similarly in a staggered line, so that the driver ends up being *farthest from the car and farthest forward*. None should be within touching distance of another, and you want the last suspect far enough away from the vehicle that he is not tempted to dive back inside.

*Before a control-and-arrest approach is made with this procedure, THE INTERIOR OF THE VEHICLE MUST BE CLEARED and eliminated as a Problem Area.* Otherwise the officer who approaches for handcuffing and searching is vulnerable to ambush. The *trunk* is not cleared until later, but it is covered by one of your backup officers as a specific Area of Responsibility during the rest of the procedure. Some departments advocate ordering the last suspect to lie on top of the trunk rather than on the ground. He's an easy target there and the lid can't open.

The control-and-arrest officer (coming preferably from the driver's seat of the second patrol car or another cover position nearby), approaches from the suspects' right, with his sidearm in the ready position. Just before he makes physical contact with the driver he holsters his sidearm *quietly* so that the suspects cannot hear this movement.

One at a time, he handcuffs and searches the suspects. Then, one at



Notice that all visible suspects are removed, *then* the search of this vehicle is conducted using extreme caution and thoroughness.



(middle) The control and arrest officer makes her approach *after* the vehicle search has been completed. She positions herself to avoid a cross-tire and further separates the suspect's gun (on the ground) from the driver prior to handcuffing. (bottom) The officer moves in to handcuff. Cover is provided for her as she handcuffs using a wrist lock.

a time, he "peels" them off from the echelon and removes them to a patrol car. Because each is positioned farther back from the other, the control-and-arrest officer can keep the whole line in sight while handcuffing. And if a suspect downline starts to get up or attack, the officer is not in a cross-fire position relative to his fellow officers back at the patrol cars.

Again, if a K-9 is available, it should be readied to intercede if needed when the control-and-arrest officer is making his physical contacts. If manpower permits, two officers may be assigned for control and arrest. One handcuffs and searches while the second covers with a shotgun.

There is also a third school for handling suspects on high-risk stops, widely practiced on the street but tactically unsound. This is to position the suspects against their vehicle essentially in a wall-search position, then attempt to handcuff and search them. In terms of control and immobilization, this is far inferior to the approaches described above because of the ease with which suspects can spin out of this position to attack.

The weaknesses of even the acceptable approaches should not be overlooked, of course. In evaluating them for use, you need to weigh their potential problems against their very definite strengths in determining which options best suit the situation you face.

The bring-'em-back concept probably will be less anticipated by offenders...allows you to deal with one suspect (Problem Area) at a time...tends to destroy suspect unity...gives you maximum protection from a problem vehicle...and offers you excellent control up to the point where the suspect reaches your front bumper—all strong pluses.

However, you are bringing the offender out of a control zone to your cover area. This could create hazardous dilemmas. Suppose he tries to escape by diving in front of your car or your backup vehicle. Shooting him without leaving cover will be difficult, if not impossible. If you drive backward to expose him, you are breaking your established line of defense. If you drive forward (as some departments mandate by policy), you may hit and incapacitate him, but you are driving into the kill zone (from the suspect car).

Or suppose he starts fighting when the control-and-arrest officer lays hands on him. You may need to assist and will have to leave cover to do so. Officers who are supposed to be maintaining shotgun control of the suspect car will undoubtedly be tempted to join in. There are, after all, at least two firearms (yours and the arrest officer's) at risk in the struggle. Unless the other officers have the awesome self-discipline to resist, the car may be left unguarded and all of you subject to a pre-planned attack.

Even if all goes smoothly, bringing them back involves considerable movement. This takes time, increasing the time you're exposed to risk.

Some officers using this approach complicate things even more by ordering the suspects to come back *on their knees*. This takes even longer and, considering the pain involved, will almost guarantee that any suspects who are able to make it to your front bumper will be enraged animals when they get there.

Priming the suspects out has drawbacks, too. It may not be practical under some weather and road conditions. You'll need to shut down oncoming traffic to forestall some citizen running over the suspects prone in the roadway. Also, in order to effect the arrest with any degree of safety, the suspect vehicle must be cleared while the suspects still are nearby, not handcuffed and not searched. When the control-and-arrest

officer does move up, he not only must leave cover but he also proceeds to the vicinity of a lot of Problem Areas.

Where only one control-and-arrest officer is used, only his or her safety is compromised with this approach. That can be considered a strength, especially when you are dealing with agitated, aggressive subjects. If things go sour, all other officers can have target acquisition without leaving cover, an impressive assemblage of firepower. Also, proning out is easy even for the dumbest offenders to understand. Little movement and little decision-making is required of them.

This method, like bringing 'em back, can be carried to bizarre extremes, though. One Southern agency favors a version of proning that requires all suspects to exit through the driver's window and "dog pile" one on top of another beside the car. Only pregnant women are excused from this procedure. Aside from the question of what you do *next* with any degree of safety, verification of pregnancy may also present a challenging field problem!



Based on what you know of the proper "prone out" method, name at least three things that could be improved upon here for greater control.

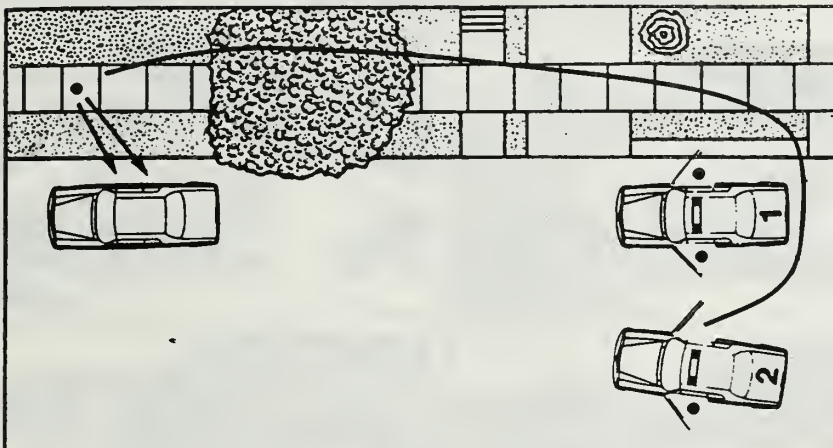
Done properly, either mainstream approach gives you an organized, tactical edge over flying by the seat of your pants. The first option, especially, can be streamlined when you're working a hostile neighborhood and perceive that the threat from a crowd that may form during a prolonged stop could be greater than that from the high-risk subjects you're arresting.

Whatever your approach, the suspect vehicle will need to be cleared after all visible occupants have been removed. In the past, it has been recommended that a handcuffed suspect be brought up to the vehicle to "witness" the search while, in fact, serving as a shield for the searching officer. Because of legal interpretations that this is a "hostage" situation, this practice is *no longer acceptable* on most agencies. Of course, suspects can—and should—be questioned about hidden occupants and a bluff command addressed to "occupants hidden in the car," but in the end it usually is officer eyes that will verify the vehicle's status.

On some departments, K-9s have been trained to approach the exterior of a vehicle and detect if anyone is hiding inside, especially if a door has been left open. (It is considered inappropriate by most trainers for a dog to try to enter the vehicle through a window.) If a dog does not

"alert" while sniffing the car or K-9 service is not available, an officer will need to cautiously approach the car (assuming the interior can't be checked adequately through doors left open by the last suspect out). In a multiple-officer stop, the approaching officer generally will be the one deployed with a shotgun on the passenger side of the primary patrol car.

If you are the officer selected, leave your shotgun behind and *be certain you are wearing body armor*. With your sidearm pointed at the suspect car in a ready position, move in a circuitous arc *around* (not straight past) the right side to a point diagonally out from the right front windshield post. This is a route of approach a hidden passenger is not likely to expect. Try to use cover—trees, mailboxes, light poles, parked cars—along the way.

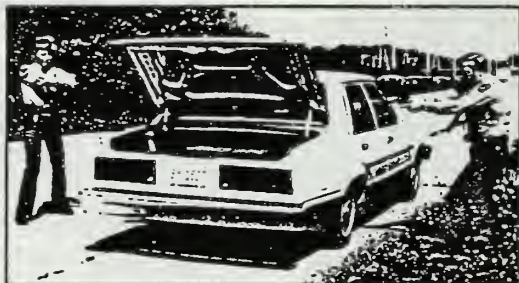
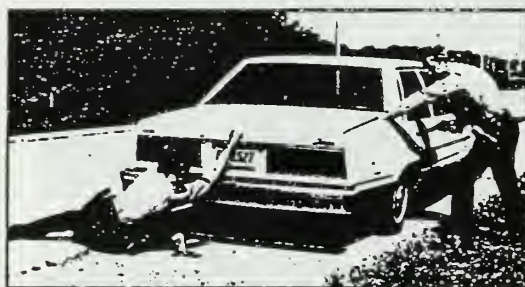


Walking with your gun still in the ready position, "seeing" what your eyes see, approach the vehicle at about a 30° angle, focusing on your Areas of Responsibility. Because of the cross-fire risk, other officers still in position behind the suspect vehicle should concentrate their firearms only on the opposite side of the vehicle and on the trunk. You are responsible for defending yourself on the passenger side.

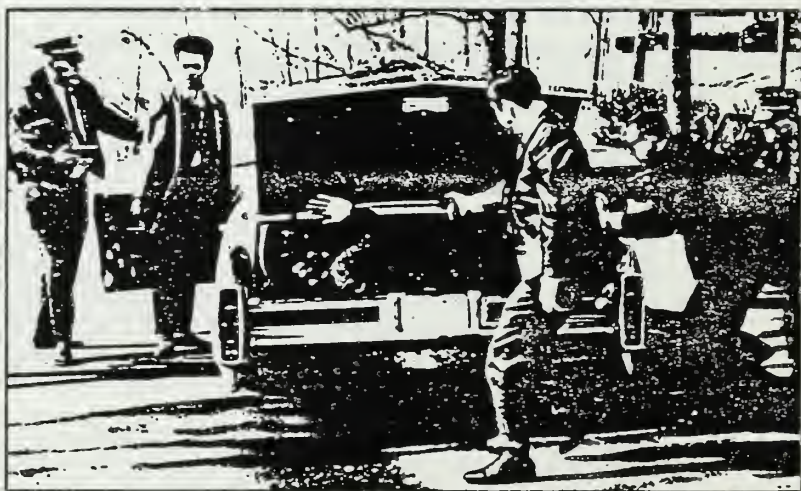
As you get close, you can stretch up for quick peeks inside. From your angle, you'll be able to see anyone hiding on a seat or floor before they can see you; the dash or seatbacks will interfere with their view up and out. If you do see someone, back off to cover and issue appropriate commands. If a threat's presented, you can defend yourself immediately.

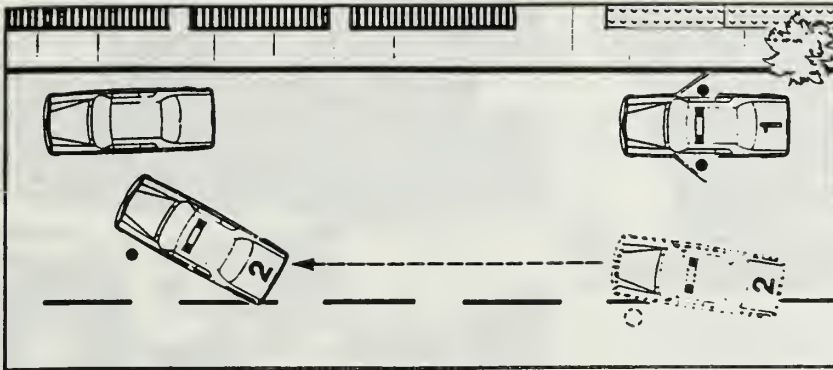
Another option is to approach on the *driver's* side. Here you use a patrol car as moveable cover. You walk in a low crouch behind its front left fender with your sidearm ready as a second officer slowly drives it at an angle in toward the side of the suspect vehicle. He leans low across his front seat, just peering over the dash to steer. When the patrol car stops, you can quick peek from behind it to check the interior of the suspect vehicle. This approach eliminates the cross-fire risk and also the risk that your visibility will be hampered by having to look into the headlights of patrol cars parked to the rear.

A controlled trunk search requires the teamwork of two officers, one approaching from the driver's side of the suspect vehicle, the other from the passenger side. If you are one of them, move to position from the front or side of that car, not from the rear, which is more predictable and puts you in a direct field of fire from the trunk. As you move in, *no*

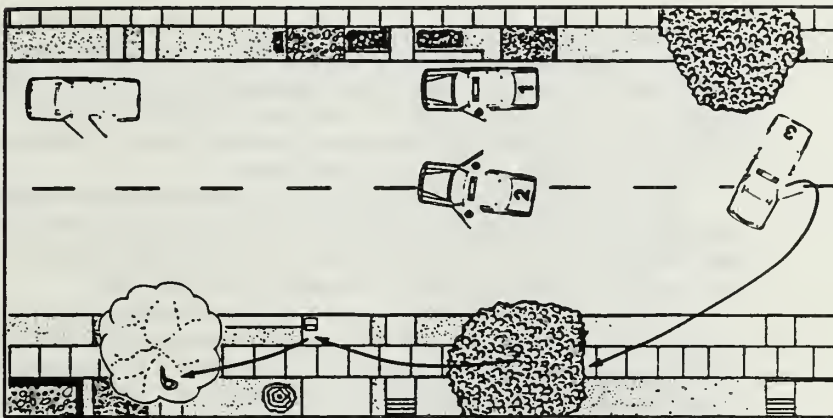


Proper tactics (above) for clearing a vehicle are simple to do and so important. Suspects *do* hide in trunks (right). Here three bank robbers are being arrested. Two were in the trunk!





Using the patrol car as portable cover.

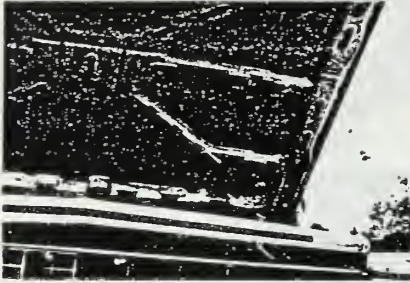


If the suspect cooperates with open doors, this tactic might work.

officers to the rear should attempt to maintain firearms control because of the cross-fire problem. The officer approaching on the *passenger* side provides it exclusively, until the trunk is unlocked.

If you're the officer on the driver's side, you retrieve the keys from the roof or ground, if the suspect hasn't brought them back with him. As the other officer stands on the passenger side at the rear windshield, his gun pointed at the trunk, you crawl around *low*, lie on your back or side behind the car, reach up and unlock the trunk. The other officer keeps pressure on the lid with his off hand so it stays closed while you back off into similar position on the driver's side of the car. Once your sidearm is pointed at the trunk, the other officer releases the lid to see inside.

To dramatically limit the field of view of anyone in the compartment, consider adding this step before the lid is released: at a distance, raise the hood of a patrol car and just before the trunk lid is allowed to rise, have this unmanned car pushed against the rear bumper of the suspect vehicle. When the trunk lid goes up, all a suspect will see will be the raised hood. His disorientation can be heightened if you activate the patrol car's siren before pushing it forward. By the time the suspect becomes oriented to what's happening, you can have him under control. And if he does fire in surprise or frustration, he's unlikely to do any human damage.



(above) What you would observe if you were a hidden offender and popped open the trunk lid. Surprise!

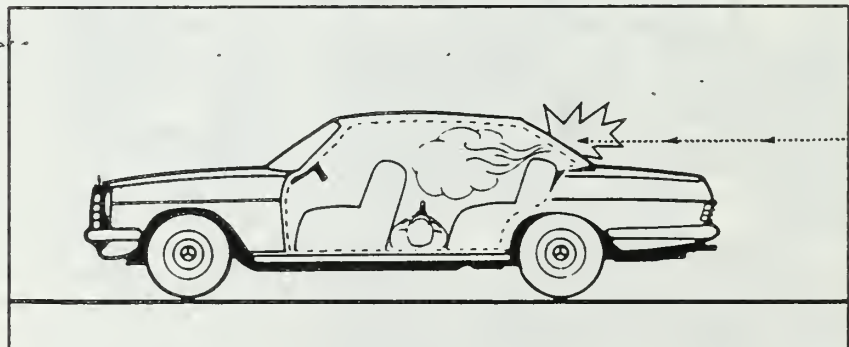


After your search is complete, the suspect vehicle should be locked.

*No vehicle should be towed until its trunk is cleared.* One detective lieutenant in the East was killed because this rule was violated. In searching a suspected robbery vehicle that had been towed to a substation, he removed the rear seat cushion to check under it. Shots were fired into him by a suspect hiding in the trunk.

During or before the final search, you may encounter a suspect who refuses to exit the vehicle. Essentially you then have a barricade situation. Because this is a high-risk stop, do *not* consider a physical extraction. Build an inner- and an outer-perimeter, and wait.

Use of chemical agents is one option. Because vehicles are not airtight, tear gas used outside may be successful; a CS grenade might be rolled under the car, for example. But if this fails, a 12 ga. chemical agent round might be shot through the rear windshield, although the angle of the glass may make penetration difficult. Because firing any projectile has potentially lethal force, it should not be done until repeated efforts have been made to talk the suspect out. Before firing, he should be warned: "If you do not exit immediately, we will fire tear gas projectiles into your vehicle. You have 30 seconds before we begin! These projectiles can kill or injure you if they strike you directly."



One suburban department in Minnesota tried a more radical approach. During negotiations on a high-risk stop with an intoxicated suspect who refused to exit his car the subject asked for beer. An officer wearing body armor approached the vehicle with a six-pack, while a

special weapons officer crawled next to the car to cover him. The suspect would only open the wing window enough for one can to be handed in at a time. The third can in was a triple-blast CS grenade. The resistance ended soon after.

Another possibility is to summon a firetruck to the scene. Pump about 200 gallons of water into the vehicle—and let the uncooperative suspect float out!





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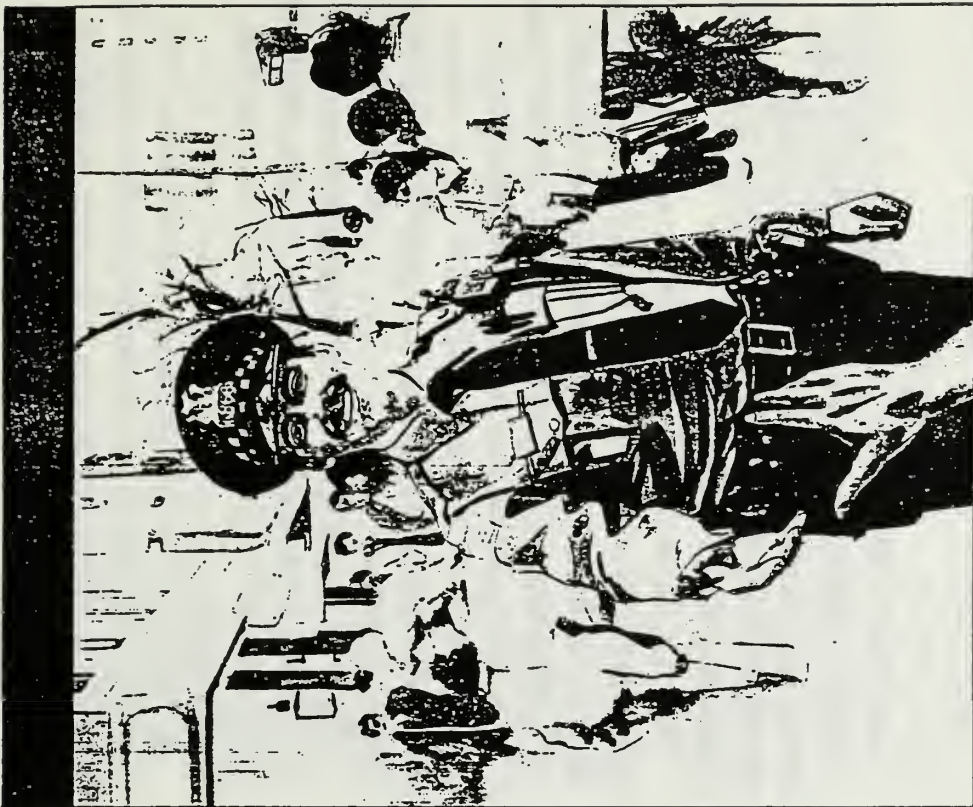
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## Scope of the Problem

Alzheimer's Disease (AD) afflicts an estimated 2.5 million middle-aged and older adults in the United States. AD occurs in about seven percent of the general population over 65 years of age, affecting persons of all social, economic and racial groups. More than 100,000 die of AD annually, making it the fourth leading cause of death in adults, after heart disease, cancer and stroke.

In economic terms, an estimated \$40 to \$50 billion is spent each year on caring for victims at home and in nursing facilities. About 70 percent of this cost is borne by the victims and their families. Due to the nature of the disease, long-term hospitalization is not normally required. As a result, the majority of AD patients are cared for either in the home or in nursing homes. Medicare and most private health insurance programs do not pay for the long-term home health care or nursing home care needed by AD patients.

Demographic reality or "the graying of America" suggests that without a significant medical breakthrough in finding the cause and cure of AD, the problem will grow. As more people live to advanced ages, the susceptible population will increase, and so too will the number of people who are afflicted with AD.

## Definition

Alzheimer's Disease (Altz'-hi-merz) is a progressive, irreversible disease of the brain. AD is *not* a normal or inevitable result of old age; rather, it is one of many dementing illnesses. Up to 100 other diseases and disorders have symptoms similar to AD. AD, first described

in 1906, is the most common form of dementing illness, accounting for more than half of all cases of illnesses collectively called the "dementias."

The dementias are specific brain diseases that result in progressive loss of mental faculties, such as memory, learning, attention and judgment. While some types of dementia can be halted, the most common dementing diseases, including AD, cannot.

## Symptoms

Symptoms of AD include gradual memory loss, decline in ability to perform routine tasks, impairment of judgment, disorientation, personality change, behavior change, difficulty in learning, loss of language skills, and a decline in intellectual function.

Most symptoms and behavior patterns of AD patients result from failing brain functions caused by the insidious disease. Not all persons afflicted with AD exhibit the same symptoms, and symptoms often vary over the course of the disease. The disease progresses at different rates from patient to patient, eventually rendering its victims completely incapable of caring for themselves in three to 20 years or more.

There are no obviously visible physical characteristics of AD. Many mildly and moderately impaired AD patients appear as alert and as physically fit as anyone else their age.

AD victims are sometimes aware that there is a "problem" well before family members or their physicians. Many AD victims become quite adept at hiding and/or denying their symptoms.

## Diagnosis

There is no single test to identify AD. However, after a careful evaluation, clinicians may arrive at a diagnosis of AD. Diagnostic tools include, but are not limited to, physical, neurological, psychiatric, neuropsychological and patient history evaluations.

Diagnosis of AD is called a "diagnosis of exclusion" because other conditions which result in symptoms similar to AD must first be tested for and then excluded. Up to 100 other conditions have symptoms that mimic AD. These include potentially reversible conditions such as depression, reactions to drugs and alcohol, metabolic changes, nutrition deficiencies, brain tumors, and head injuries.

With all other causes of symptoms similar to AD eliminated, a working (or clinical) diagnosis of AD may be made. Positive medical confirmation of AD can be made only by examination of brain tissue under a microscope, usually at time of autopsy.

## Cause

In spite of intensive scientific investigation, the cause of AD is not known. Researchers are currently investigating a variety of suspected AD causes including genetic factors, biochemical disturbances and the immune processes. A slow virus or other infectious agent, and environmental toxins such as aluminum are also being studied for possible connection with the causes of AD.

## The Myths Surrounding AD

While the cause or causes of AD remain unidentified, research has contributed substantially to our

understanding of the disease. As a result, many myths surrounding the disease have been dispelled. For example, we now know that AD is *not* a normal part of the aging process. Research has also shown that AD is *not* caused by hardening of the arteries or lack of oxygen to the brain. There is *no* evidence that AD is a contagious disease, and *no* evidence that alcoholism or malnutrition lead to the onset of AD. Also, AD is a disease of the brain and is *not* considered to be a mental illness or a form of insanity.

In addition, the disease's primary symptoms do not seem to be necessarily lessened or exaggerated by the patient's previous health, mental and physical activity, or personality.

## Treatment

No cure for AD is available at present. AD patients may live from three to 20 years or more after the onset of the disease. The progress of the disease cannot be stopped or reversed; however, its symptoms can be managed to provide a reasonable measure of comfort and dignity for the patient.

Good planning, along with medical and social management, can ease the burdens on the patient and family. Appropriate medication may be used to lessen agitation, anxiety and unpredictable behaviors, improve sleeping and treat depression, all associated with AD.

Physical exercise and social activity are important, as are proper nutrition and health maintenance. In addition, a calm, orderly and well structured environment may help the afflicted person maintain as much comfort and dignity as possible.

### Instances where you might encounter an AD victim

With an estimated 2.5 million middle-aged and older citizens suffering a wide range of "behavior problems" as a direct result of AD, it is inevitable that you will be encountering these people in the line of duty.

While an AD patient is as likely as any other citizen to be involved in any situation, a number of behavior patterns common to AD patients increase the likelihood that this disease will be a factor in certain specific situations. These include wandering, inappropriate sexual behavior in public, shoplifting, and the appearance of intoxication. Insight on these and a number of other situations follows in this section of the Handbook. Specific suggestions for coping with these situations will be addressed in later sections of this Handbook.

**Wandering** - Wandering is a common behavior of AD patients. Wandering can happen at any time of the day, but it tends to increase after dark. Sometimes wandering is little more than continual pacing within the confines of the home or health care facility. However, this activity can and often does result in the patient's wandering away from his or her caregivers.

An AD patient can become hopelessly lost anywhere, even on the front steps of his or her own home. Wandering AD patients become lost when they are unable to make simple associations or to *know* what they see. AD progressively destroys the associative capability in the brain that normally allows people to relate landmarks to a familiar world.

And while wandering can easily cause an AD patient to get lost, getting lost can cause the patient to wander. An AD patient can become disoriented and lost along a route he or she has traveled every day. A detour or wrong turn on the way to work can set up a panic reaction that obliterates all sense of direction, time, purpose, and recall of routes and landmarks that should be familiar. The result is wandering.



Patients who forget where they are can start to wander aimlessly and become lost.

**Indecent Exposure** - The myth that demented people inevitably develop inappropriate sexual behavior is vastly more widespread than the reality. There is no medical or clinical evidence that AD increases sex drive.

But of the people you do encounter involved in apparent inappropriate public sexual behavior, AD may be a factor. There are a number of reasons for this.

For one, AD patients are fidgeters and often develop repetitive behaviors. They may fidget with their clothing - their buttons and zippers - usually without sexual intent. The AD victim who zips and unzips his pants, or unbuttons her blouse in public may simply be fidgeting.

Another reason for inappropriate behavior among AD patients is the loss of impulse control. The impulse to do whatever "seems like a good idea at the time" is controlled by what we are taught and remember about appropriate and acceptable behavior. AD may erase or block recall that certain behavior, including sexually aggressive behavior, is not appropriate in public.

An AD patient whose clothes are too warm or uncomfortable may simply take them off - forgetting what he or she once knew about public modesty. Or, their modesty may remain intact, but they forget where they are and wander into public undressed. Social manners are learned and, therefore, can be forgotten. This is the plight of the AD victim.

**Shoplifting** - AD patients, afflicted with forgetfulness, may forget to pay for things. There is no evidence that AD stimulates any type of criminal behavior in the brain. AD patients simply forget they have picked something up, that they are in a store, or that it is necessary to pay.

AD patients may also accuse store personnel of stealing from them. AD patients forget their pocketbooks, how much money they had with them, or how much they have already spent. Unable to sort out the reality, they may become suspicious and accuse people around them. Thus, it's quite possible that an AD patient confronted for "shoplifting" may accuse store personnel of stealing from him or her.

An AD patient whose clothes are too warm may take them off, forgetting about public modesty.

**Appearance of Intoxication** – A number of symptoms and behavior patterns of AD victims may give the appearance of intoxication. Alcohol and AD both diminish brain function – alcohol temporarily, AD permanently. Many of the symptoms of both are identical: confusion, disorientation, problems with short-term memory, problems with language, sight and coordination, combativeness and extreme reactions, loss of contact with reality.

**Victimization/False Reports** – People afflicted with AD are easy prey for con artists, robbers and muggers. They may also come to the attention of the police as a result of legal actions such as evictions, repossessions, and termination of utility service due to forgetfulness or inability to make payments.

On the other hand, AD patients may inaccurately believe they have been victimized by friends and family, as well as strangers. This may result in reports of crimes which did not occur. Typical of this type of report is "an intruder in the house" who turns out to be a spouse; reported thefts of articles which in reality have been lost, mislaid, sold or given away; and accusations that money and property have been stolen by friends, family, and caregivers.

Also, neighbors may report screaming and yelling at night, especially in AD victims who are alone. "Kidnap" or "adult abuse" reports may result from caregivers' attempts to limit an AD patient's behavior in public.

**Poor Driving/Auto Accidents** – Persons with AD are often physically capable of driving an auto long past the time when memory, judgment, and problem solving ability make it safe. An AD patient may or may not realize the severity of his or her impairment.

A police officer may encounter a person who cannot locate his or her car or reports it "stolen" – actually forgetting where it is parked. AD patients may also leave the scene of an accident, literally forgetting that it has happened. In addition, AD patients have been known to "wander" in their cars – being found sometimes hundreds of miles from home with no idea of how to get back.



Although the capability to drive a car can be retained, the skills and judgments needed to drive safely may be forgotten.

## How to recognize an AD victim

Many AD patients appear physically well, strong and agile. There are no obvious visible characteristics of AD victims. Likewise, there are no field tests that can be used to determine AD. In fact, the only positive medical test for AD diagnosis is examination of brain tissue under a microscope.

However, AD victims share a number of characteristic behavior patterns and symptoms that will allow the reasonably well-initiated law officer to determine, with some degree of accuracy, that a subject suffers from a dementing illness.

**Identification Bracelet** – The quickest and surest way to know that a subject suffers from one of the dementias is for someone else to have already made the diagnosis. Many diagnosed dementia patients wear Medic-Alert bracelets or other engraved ID bracelets. Some may even carry cards specifically identifying their mental handicap.

Bracelets are more likely to identify the subject as "memory impaired" rather than naming the specific dementing disease. Medic-Alert bracelets list a toll-free number to call for information about the patient, whereas ID bracelets usually list a home phone number and/or the patient's address.

In the absence of anything that identifies a person as "memory impaired," there are a number of typical symptoms and behavior patterns which could alert a law officer that AD or a related disease may be a factor in the subject's behavior.

**Confusion/Disorientation** – AD victims often lose the ability to know what they see and hear. The disease blocks its victims' ability to associate even the simplest visual or auditory messages with reality. AD patients live in a world where nothing is familiar – the result is confusion and disorientation.

Telltale signs of confusion which may be the result of AD are a subject's:

- inability to grasp and remember the current situation
- difficulty in judging the passage of time
- agitation, withdrawal or anger
- inability to sort out the obvious

Many of the symptoms of AD and intoxication are identical.

Confusion and disorientation may also lead to other behaviors that an officer may recognize as AD-related. These include repeated questions, blank facial expressions, inappropriate responses, and inappropriate dress.

**The Repeated Question** – AD patients often ask the same question over and over. A confused person may repeatedly ask an officer, "Why are you here?" This is not a way to tell you you're not wanted. The patient has simply forgotten the situation and why you are present.

An AD victim may ask the time repeatedly. This is usually not done to show impatience or to annoy you. One of the first losses an AD victim experiences is the ability to judge the passage of time.

It should also be noted that a repeated question may not reflect what the subject really wants to know at all, but because of his or her impairment, it is the only one he or she can think to ask.

**Facial Expressions** – In spite of an apparently normal appearance, an officer may detect facial expressions that are blank or inappropriate to the situation. For example, a person with AD may talk about a serious incident while smiling. This may be a sign of AD.

**Inappropriate Dress** – AD patients may be inappropriately dressed for the season, such as winter clothes in summer or vice versa. The person may be wearing pajamas in public during the day. Clothes may be oddly mismatched, worn inside out, or worn in several unmatched layers.

In the absence of other apparent causes of confusion and disorientation such as a hit to the head, physical trauma, and/or alcohol, the confused, disoriented person may be a victim of AD.

**Delusions** – Delusions are persistent incorrect beliefs that remain fixed in spite of all rational evidence to the contrary. Deluded AD patients may report that they have been victimized. When there is no evidence to support such an accusation, police officers might consider that the deluded subject may be suffering from AD.

For the most part, AD patients don't make false reports just to get attention. Their delusions and



Inappropriate clothing and blank or improper facial expressions may be signs of an AD victim.

reactions to them are real. The woman who reports a "thief" that turns out to be her husband doesn't necessarily think her husband is a thief (although AD patients frequently accuse close friends and relatives of stealing from them) – to her, there is a stranger in her house, and the police must be called.

**Problems with Short-term Memory** – The classic symptom of AD is loss of memory. Because of the way the brain stores information, short-term memory can be totally eliminated in an AD patient, while recall of events long past remains intact.

Recognizing the differences between occasional forgetfulness and persistent loss of memory due to AD may be helpful in determining if AD could be a factor when dealing with a subject.

**"Normal" Forgetfulness** – Everyone forgets something or "draws a blank" at some time. This often increases with stress, for example, being involved in a situation where police are present. However, the normal person remembers that he or she has forgotten something, will try to recall what it is, and eventually may be successful at remembering that thought or information which was forgotten.

**Forgetfulness Due to AD** – AD patients forget, forget that they have forgotten, and will not be able to recall what they have forgotten. In an AD patient, short-term forgetfulness can mean extremely short-term – a matter of minutes perhaps.

To the police officer, AD victims may appear uncooperative as a result of their inability to answer questions that require only the shortest of memory. AD patients probably won't forget their names – that's stored in long-term memory. But they may forget where they live, where they were going, where they have been, and even events that occurred after being confronted by the officer. It probably won't help to ask if they have AD – they can forget that, too.

**Problems with Language** – Language is a complex process which requires communication between a variety of brain centers. AD blocks this communication within the brain.

When there is no evidence to support an accusation, (you) should consider that the deluded subject may be suffering from AD.

AD victims gradually lose the ability to understand others and to make themselves understood. AD does not affect the vocal chords or the physical ability to speak. But because the brain is sending confused or incomplete messages to the voice center, AD victims may ramble on without making sense, or be able to utter only a few words or phrases over and over. Even if they can still speak in sentences, AD victims' speech is often vague and loose—they may be unable to be specific. AD patients also lose the ability to understand or comprehend what they hear. They also forget much of what they do understand—in some instances almost immediately.



An apparent lack of concern or cooperation may be caused by an AD victim's inability to understand others or to be understood.

An officer who makes a careful explanation of a situation, instructions, procedures and/or options to an AD patient may find that the subject has comprehended nothing or forgotten everything almost immediately.

It's easy to mistake these communication problems for lack of concern, respect and cooperation with the officer. AD patients do not act this way intentionally, and the officer might consider that AD may be a factor when there is a failure to communicate.

**Age**—Age is also a factor in determining AD. While most older people don't have AD, most people who have AD are older. The common age for onset of AD is 65 or older. However, AD can strike people in their 40s and 50s. The disease was first described by Dr. Alois Alzheimer in 1906 in a woman who was 51 years old.

AD afflicts about seven to nine percent of Americans over 65 and about 20 percent of those over 80. It also afflicts more women than men. As the population of this country ages, the number of people afflicted with AD will grow—along with the likelihood that police officers will encounter these people in the line of duty.

### Problems you might encounter

Problems that law officers might encounter in the line of duty with AD patients fall into two general categories: (1) behavior due to the primary symptoms of AD such as loss of memory and communication skills, and (2) behavior due to a group of resulting symptoms known as Catastrophic Reactions.

**Problems Due to Memory Loss**—Imagine living in a world where every minute of your life is erased from memory as it passes. You can recall certain events from your childhood, school days, young adulthood, middle-age—but nothing from the past three years, five years or five minutes. Even recall of things you've known most all your life is gone. Your neighborhood, home, children, friends, and spouse are all strange and foreign to you. This is the world of the AD victim.

As a result of this memory loss, victims of AD are unable to take responsibility for their own safety. They can no longer remember the experiences that have taught them to evaluate the consequences of their actions. They have also lost much of the ability to help others see to their safety.

The wandering AD patient may not remember his or her phone number, address, how long or how far he or she has wandered. When you do manage to locate an AD patient's caregiver (if in fact there is one) the incident may not be over. An AD patient who has lost recall of his home and family may deny, vehemently and convincingly, that he doesn't know them. And the fact is, he doesn't—in his mind they are total strangers. This inability to recognize people, places or things is called "agnosia," and is a relatively common phenomenon among many AD patients.

An officer called to a scene where an incident such as indecent exposure or shoplifting has been reported may be confronted with a subject who has no recall of the incident. By the time you arrive at the scene, the AD patient has indeed forgotten the incident and, when confronted, will not be able to recall it. There may be a dozen witnesses to the incident, but the subject will deny it. He's not lying—nothing can make him recall the incident when it is lost from memory through AD.

The implications of this type of memory impairment are tremendously complex for an officer attempting to assist or sort out a situation in which a possible AD patient is involved.

Because AD patients are unable to comprehend and remember the reality of a situation, efforts to assist them are often misinterpreted. As a result, AD patients

An AD patient who has lost recall of his home and family may deny, vehemently and convincingly, that he doesn't know them.

are likely to appear uncooperative, disrespectful and unappreciative of officers' attempts to assist them.

The AD patient is unable to control this behavior. Socially acceptable behavior, tact and manners are all learned. Most people can choose to use acceptable behavior or choose to "forget" what they have learned. AD victims do not have this choice.

**Problems with Communication** - In addition to the many problems that can result from forgetfulness, AD victims lose the ability to communicate what they do remember. An AD patient who is unable to remember or communicate what actually did happen may make up and relate any story that comes to mind.

The AD patient is not intentionally lying, showing disrespect or attempting to goad the officer with a far-fetched story. The mind is simply sending a confused message or sequence of events to the mouth.

AD patients with severe language problems may only be able to remember a few words such as "yes" or "no," but may not be able to distinguish between their meaning or how they relate to a situation. An officer questioning an AD victim could easily get the impression that the subject is lying. The subject's answers could be so conflicting that it could appear that the subject is taunting the officer. Again, this behavior is not intentional. It is the result of a disease over which the victim has no control.

Police officers dealing with AD victims also may have difficulty in making the subject understand them. An officer should not assume that an AD patient can understand and comply with any information the subject can hear or read. It is quite possible for some AD victims to hear clearly and read words, yet at the same time understand nothing.

**Catastrophic Reactions** - Catastrophic reactions occur when a situation overloads the mental ability to act rationally and the patient reverts to impulsive behavior. Any situation that may be mildly stressful for most people can grow way out of proportion for the AD victim. AD short-circuits the thinking system and the result is like a blown fuse.



Friendly and helpful should be your watchwords when aiding a wandering AD victim.

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Behavior resulting from a catastrophic reaction can be relatively mild such as sudden mood changes and increased restlessness; or rapidly deteriorate into suspiciousness, stubbornness, inconsolable crying, anger and combativeness.

During a catastrophic reaction, AD patients often lash out, verbally and/or physically, at people who try to help them. Anger and combativeness are often exaggerated and misdirected. Suspiciousness (a common symptom in almost all AD patients) may also be increased during a catastrophic reaction. Often, AD patients are unable to properly identify or express their feelings, but those feelings may be very strong. Unable to cope with their feelings, AD patients may attempt to run away to physically avoid the stress and fear.

Catastrophic reactions result in extremely poor judgment and lack of impulse control that could escalate a routine encounter into a situation that threatens to get out of hand.

## Dealing with the most common situations

**Assisting the Wanderer** - For law enforcement officers, impairment due to AD means that the wandering AD patient may be of very little help in efforts to get him or her home. For example, wanderers:

- may not be able to remember with any degree of accuracy where they have been, where they were going, or how long they have been wandering
- may make up a story rather than admit they have no recall of recent events
- may only be able to recall destinations, addresses, or phone numbers from years ago which are locked in long-term memory

In addition, being confronted by a law officer could trigger "catastrophic reactions" which hamper efforts to assist the patient even further.

All this considered, an officer who stops to aid an apparently lost or confused citizen is likely to be confronted with a subject who appears extremely uncooperative or rejects the offer of assistance.

AD victims' answers could be so conflicting it could appear that the subject is taunting the officer.

**What to Do** - Unless the patient is wearing an ID bracelet or carrying identification (both of which he or she may have forgotten), your best allies may be patience, a sense of humor, and the telephone.

A wandering AD patient needs to be reassured that you are there to help, not harass him or her. It will probably be necessary to take charge of the situation in much the same manner that you would use to assist a lost child. Also, don't assume the person is not hurt or suffering from exposure. He or she may deny injury or not have the verbal skills to tell you of an injury.

"Cruising" the neighborhood hoping the patient will recognize his or her home may be fruitless. Persons afflicted with AD may have no idea how long or how far they have wandered, and they may not recognize their home even if you pass by it a dozen times.

If the subject is not carrying identification, check the missing persons file and reports of individuals missing less than 12 hours. Larger metropolitan areas usually have a local Chapter of the Alzheimer's Disease and Related Disorders Association whose members may know the subject or be able to assist in finding his or her caregivers.

If the family or patient's caregivers cannot be located, as a matter of public safety, officers should seek emergency supervision for the subject. The local social services department or adult protective services agency may be able to assist in obtaining emergency supervision. Never leave AD patients unattended - they are likely to wander away.

Police officers should also be aware that family members or the victim may have no knowledge of AD or may be denying that a problem even exists. While an officer is not in a position to diagnose AD or any other illness, an officer may want to suggest that the incident indicates some need for a comprehensive assessment of the subject's health.

**Dealing with Apparent Sexual Behavior** - Caregivers of AD patients are taught that the best way to control sexual behavior is to provide a distraction or other activity for the patient. The concept of

distraction may be valuable to law officers as well. When the officer has latitude in dealing with a situation, distraction will be more productive than irritation, scolding or lectures.

Confrontation as a means of changing behavior does not work because the disease prevents the patient from relearning or remembering socially acceptable behavior. Confrontation also may trigger a catastrophic reaction and the situation could easily escalate.

**What to Do** - Again, patience and a sense of humor are important. When an AD patient is found wandering inappropriately dressed, steps should be taken to return the patient to his or her caregivers without undue commotion about attire (or lack of it).

In terms of distraction, the officer's presence will probably be enough distraction to stop the behavior. Other distractions could include a cup of coffee or almost anything that will keep the patient's hands and/or mind otherwise occupied.

If the subject is alone in public and can be identified as an AD patient, attempts should be made to contact the patient's caregivers. Behavior patterns in AD patients are often repetitive and when the distraction of the officer is removed, the inappropriate behavior may return - and so, too, will the officer.

**Accused of Shoplifting** - AD destroys the brain's capacity to think logically, act rationally or recognize the attempts of others to be tactful in sorting out a situation such as being confronted for shoplifting. But where the officer has latitude in dealing with the situation and a formal complaint can be avoided by "sorting things out," there are a few helpful strategies.

**What to Do** A typical scenario of:

*"If you return the merchandise, apologize to the store owner and leave the premises, then the owner will not press charges and you can go - or else, the owner will press charges and I will be forced to arrest you."*

may be well beyond the capacity of many AD patients to understand, retain and make a decision. If this scenario is agreeable with the store owner, it would be best presented and executed one step at a time.



Use simple words and sentences to persuade the subject to return the merchandise, apologize and leave the store.

The best way to control sexual behavior is to provide a distraction, rather than scolding or lecturing.

## More helping strategies

A cardinal rule in dealing with an AD patient is to avoid the catastrophic reaction. Most situations can be dealt with relatively easily, unless the patient has a catastrophic reaction. Catastrophic reactions diminish AD patients' abilities to help the officer help them. This could force an officer to have no choice but to resort to measures he or she would rather not use.

Sometimes catastrophic reactions cannot be avoided - the patient is already involved in aggressive or impulsive behavior by the time the officer arrives. But there are a number of factors an officer may be able to control that may help avoid the start of a catastrophic reaction after he or she arrives.

**Keep the "Climate" Cool** - AD patients will often mimic your mood and respond more to the "climate" of an encounter than anything else. AD patients are often especially attuned to body language and voice inflection. A non-aggressive posture and reassuring tones will go a long way in eliciting the most helpful response from an AD patient.

**Don't "Overload" the Patient** - Where possible, talk with an AD patient one-on-one, away from crowds and noise, asking simple questions one at a time. Overloading an AD patient's mental abilities with too many questions, noisy, crowded environments, and too many strangers, may lead to a catastrophic reaction.

**Avoid Restraints if Possible** - The use of handcuffs and physical restraint methods are almost certain to cause a catastrophic reaction, virtually eliminating chances of a simple solution to the situation.

Where an officer has latitude in dealing with a situation, the use of handcuffs should be avoided. However, the officer should also recognize that these individuals are unpredictable when frightened or upset, and they *may* need to be restrained for their own safety and the safety of others.

Because AD victims are generally older, officers should review techniques for restraining frail persons to prevent bone and joint injury.

If there are no positive signs of alcohol or drugs ... the subject's behavior could be the result of AD.

Speak directly to and include the AD afflicted subject in all discussions. The suspicions of AD patients are easily aroused and any whispers or private discussions with store personnel may undermine the officer's efforts. Keep in mind also that angry, aggressive or accusing verbal or body language may trigger a "catastrophic reaction," making any simple solution impossible.

Speak slowly, clearly, in a reassuring tone using simple words and sentences. Offer only one idea or step of the scenario at a time. Although an AD patient may appear mentally alert, the patient may be unable to remember a proposed sequence of events and the consequences of not complying.

**Intoxication/Erratic Driving** - With increased national emphasis on the problems of drug and alcohol abuse and drunk driving, police officers are very aware and sensitive to the physical and mental problems which may produce symptoms similar to substance abuse. It is also recognized that stricter DUI laws and enforcement procedures dictate the course of action an officer *must* take in situations where a driver appears impaired. As such, this Handbook will not attempt to offer specific procedures for dealing with this situation.

In terms of administering typical field coordination tests, most AD patients who have not been drinking can pass these tests, providing the patient is able to remember the officer's instructions.

Officers should also check for Medic-Alert bracelets or other identification which may identify a subject as "memory impaired." Where memory impairment may be a factor by virtue of such identification, and there are no positive signs of alcohol or drugs (alcohol smell, dilated pupils), the officer may want to recognize that the subject's behavior could be the result of AD.

To protect the AD-impaired subject and the public, the family or caregiver should be informed of driving problems. Suggestions on how to make the vehicle inoperable by the patient are usually welcomed. Laws vary from state to state on issuing drivers' licenses to impaired persons, but a request for reexamination should be made.



Help keep the climate cool by using calming, reassuring body language and avoid triggering a "catastrophic reaction."

departments can be prepared to cope with these situations by understanding more about the problem, and people and organizations involved with Alzheimer's Disease and related disease issues.

Trained professionals using comprehensive diagnostic methods can identify AD with considerable accuracy. It is likely, however, that police will encounter AD victims who have not been diagnosed. Police can be a source of encouragement to families in suggesting that medical help may be necessary.

Police departments with community awareness programs should encourage families to get hard-to-remove I.D. bracelets and to keep current pictures of family members who are AD victims.

Local ADRDA Chapters may offer a variety of educational inservice programs and/or they may agree to be on call or provide assistance if the patient's family cannot be reached.

If there is no ADRDA Chapter in your area, your police department may want to develop a referral list of health care professionals and institutions familiar with AD which could be of assistance in dealing with AD patients.

### For further reading

**The 36-Hour Day: A Family Guide to Caring for Persons with Alzheimer's Disease and Related Dementing Illnesses** by Nancy L. Mace and Peter V. Rabins, M.D. Baltimore: John Hopkins University Press, 1981.\*

**Dementia: A Practical Guide to Alzheimer's Disease and Related Illnesses** by Leonard L. Ileson, M.D. and June A. White. N.Y.: W.H. Freeman, 1983.\*

**The Loss of Self: A Family Resource for the Care of Alzheimer's Disease and Related Disorders** by Donna Cohen, Ph.D. and Carl Eisendorfer, Ph.D., M.D. N.Y.: W.W. Norton & Co., 1986.

**Understanding Alzheimer's Disease** by Miriam K. Aronson, Ed.D. (ed.). N.Y.: Scribners, Summer, 1987.\*

\*Available from ADRDA National Headquarters and Chapters

**Make Communication Simple**—AD victims are not necessarily hard of hearing, and speaking loudly to an AD patient could be mistaken for anger. Speaking rapidly or in a high pitch could also be mistaken for anger or agitation on the officer's part. This may lead to a catastrophic reaction, or at the least, make communicating with an AD victim difficult.

When talking to an AD victim:

- speak slowly and softly in a low pitched voice
- use short, familiar words and simple sentences
- identify yourself and state the purpose of your being there, even if it is obvious
- ask only one question or give one direction at a time
- ask questions that can be answered with a simple "yes" or "no"
- give positive instructions, making sure to avoid "don't..." type commands
- avoid questions whose response requires a lot of thought, memory and words
- avoid instructions that require the subject to remember more than one action at a time
- keep distractions to a minimum
- always maintain good eye contact while speaking

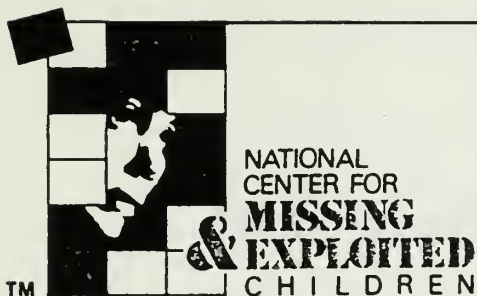
Police officers should not assume that an AD victim understands anything he or she has heard or read, or that he or she will remember it. Wait for the patient to answer the question or respond to instructions before adding other questions or instructions. If the subject does not respond, ask the question or issue the instruction again in *exactly* the same words. To ask in a different way only adds to the AD victim's confusion.

If the AD victim refuses to act, and time and patience permit, try again in a few minutes—the patient may forget why he or she did not comply the last time you asked.

### How to be better prepared

As the population of this nation ages, police can expect encounters with AD patients to increase. Police





# **Child Molesters: A Behavioral Analysis**

**For  
Law-Enforcement  
Officers  
Investigating  
Cases of  
Child  
Sexual  
Exploitation**



In cooperation with the Federal Bureau of Investigation



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# 1. Definitions of Terms

## Child Molesters

The term *child molester* is fairly common and is used by professionals and nonprofessionals alike, including law-enforcement officers. Although *Webster's New World Dictionary* defines *molest* as "annoy, interfere with, or meddle with so as to trouble or harm," when combined with the word *child*, it has generally come to convey sexual abuse of some type.

In spite of its common usage, it is surprising how many different images and variations of meanings the term child molester has for different individuals. For many, it brings to mind the image of the dirty old man in a wrinkled raincoat hanging around a school playground with a bag of candy, waiting to lure little children. For some, the child molester is a stranger to his victim and not a father having sex with his daughter. For others, the child molester is one who exposes himself to or fondles children without engaging in vaginal or anal intercourse. Still others believe the child molester is a nonviolent offender. Dr. A. Nicholas Groth, one of the leading experts on sexual victimization of children, differentiates between nonviolent child molesters who coax or pressure the child into sexual activity and violent child rapists who overpower or threaten to harm their victims (see "Bibliography"). Most would probably not apply the term child molester to a man who utilizes the services of an adolescent prostitute. For law-enforcement officers, the term child molester is more likely to conform to a legal definition of sexual molestation set forth in the penal code.

For the purposes of this book, a *child molester* will be defined as a significantly older individual who engages in any type of sexual activity with individuals legally defined as children. When using the term child molester, no distinctions will be made between male or

female, single or repeat offenders, or violent or nonviolent offenders. No distinctions will be made as to whether the child victims are pre-pubescent or pubescent, known or unknown, related or unrelated to the offender. Finally, no distinctions will be made based on the type of sexual activity engaged in by the offender. Although such distinctions may have important legal and evaluation significance, they have no bearing on whether or not an individual is labeled a child molester. For law-enforcement purposes, a child molester is simply an individual who engages in illegal sexual activity with children.

## Pedophiles

Although the use of the term child molester is commonplace, recent publicity and awareness concerning sexual abuse of children has resulted in the frequent use of the term *pedophile*. At one time this term was almost exclusively used by psychologists and psychiatrists. Dr. Groth's categorization defines a child molester as having a sexual attraction toward pre-pubertal children (*pedophilia*) or sexual attraction toward pubertal children (*hebephilia*). The term *hebephile* is rarely used today, but the media now routinely refer to those who sexually abuse children as *pedophiles*. This term is also being used more and more by law-enforcement personnel. It has even entered their slang usage—with some officers talking about investigating a "pedo case" or being assigned to a "pedo squad."

The *Diagnostic and Statistical Manual of Mental Disorders (DSM III)* of the American Psychiatric Association defines *pedophilia* as "the act or fantasy of engaging in sexual activity with pre-pubertal children as a repeatedly preferred or exclusive method of achieving sexual excitement" (see "Bibliography"). There

are several criteria in this definition that must be emphasized. First, it mentions both the *act* and the *fantasy* of engaging in sexual activity. Second, it refers to this sexual activity as occurring with *pre-pubertal* children. Third, it states that this activity is the *preferred* or *exclusive* method of achieving sexual excitement. In *DSM III* pedophilia is classified as a *paraphilia*, one of the psychosexual disorders. Technically, pedophilia is a psychiatric diagnosis that can only be made by qualified psychologists or psychiatrists. Therefore, the word *pedophile* is a diagnostic term, not a legal one.

Its increasing use has, however, to some degree brought this term outside the exclusive purview of psychiatric diagnosis. Just as someone can refer to another as being "paranoid" without implying a psychiatric diagnosis or assuming psychiatric expertise, a social worker, prosecutor, or law-enforcement officer can refer to an individual who has sexually victimized a child as a pedophile. *Webster's New Collegiate Dictionary* contains a good layman's definition for *pedophilia*: "sexual perversion in which children are the preferred sexual object." For the purposes of this book, a pedophile will be defined as a significantly older individual who *prefers* to have sex with individuals legally considered children. The pedophile is one whose sexual fantasies and erotic imagery focus on children.

It is important to realize that to refer to someone as a pedophile is to say only that the individual has a sexual preference for children. It says little or nothing about the other aspects of his character and personality. To assume that someone is not a pedophile simply because he is nice, goes to church, works hard, is kind to animals, and so on, is absurd. Pedophiles span the full spectrum from saints to monsters. In spite of this fact, over and over again pedophiles are either not charged or not sent to prison—simply because they are "nice guys."

It is also important to recognize that, while pedophiles *prefer* to have sex with children, they can and do have sex with adults. Adult sexual relationships are more difficult for some pedophiles than for others. Some pedophiles have sex with adults as part of their effort to gain or continue their access to preferred children. For example, one might have occasional

sex with a single mother to insure continued access to her children. (See also "Additional Reading.")

### Important Distinctions for Law-Enforcement

What, then, is the difference between a child molester and a pedophile? For many the terms have become synonymous. The media frequently make no distinction and use the terms interchangeably. Labeling all child molesters as pedophiles is, however, confusing. There are clear differences between the types of individuals who sexually abuse children, and law-enforcement officers handling these cases need to make such distinctions.

Are all pedophiles child molesters? No. A child molester is an individual who sexually molests children. A person might have a sexual preference for children and might fantasize about having sex with them. That person is a pedophile. But if he does not act out, then he is not a child molester. Some pedophiles might act out their fantasies in legal ways by engaging in sexual activity with adults who look (small stature, flat chested, no body hair), dress, or act (immature, baby talk) like children. Others may act out child fantasy games with adult prostitutes. It is almost impossible to estimate how many pedophiles exist who have never molested a child. What society can or should do with regard to such individuals is an interesting area for discussion but beyond the role of law-enforcement. People cannot be arrested for their fantasies.

Are all child molesters pedophiles? No. A pedophile is an individual who prefers to have sex with children. A person who prefers to have sex with an adult partner may, for any number of reasons, decide to have sex with a child. Such reasons might include simple availability, curiosity, or a desire to hurt a loved one of the molested child. The sexual fantasies of such individuals do not necessarily focus on children, and these people are not pedophiles.

Many child molesters are, in fact, pedophiles, and many pedophiles are child molesters. But they are not necessarily one and the same. The law-enforcement officer might argue that it is his job to arrest individuals who

violate the law and that whether or not that offender is a pedophile is of no importance to him. Distinctions between the types of child molesters, however, can have important and valuable implications for the law-enforcement investigation of child sexual abuse.

This book will set forth a model for law-enforcement that divides child molesters into two broad categories and several patterns of behavior. These categories are not intended for use by mental health professionals or clinicians. They are intended for use by law-enforcement officers and prosecutors in developing the evidence needed to identify, arrest, and convict child molesters. If the investigating officer already has enough evidence to convict a child molester, then it may be of small importance whether the molester is a pedophile or not. But if the investigator is still attempting to develop incriminating evidence, such distinctions can be invaluable. Even if there is enough evidence to convict a child molester, the fact that a molester is a pedophile could still be important in evaluating the potential for additional victims.

### Fixated and Regressed Molesters

Probably the most commonly used typology for child molesters today is the one developed by Dr. Groth, who classifies sexual offenders against children into two groups on the basis of whether this involvement constitutes a persistent pattern (a *fixation*) or a new activity or change (a *regression*) in their sexual orientations or lifestyles. Dr. Groth further explains that the Fixated Child Molester is one "whose primary sexual orientation is towards children," and the Regressed Child Molester is one "whose sexual involvement with a child is a clear departure, under stress, from a primary sexual orientation towards agemates." In essence, Dr. Groth's Fixated Child Molester prefers children for sexual partners and identifies closely with them. The Regressed Child Molester prefers agemates for sexual partners but, because of some precipitating stress in his life, he substitutes a child for the troubled adult relationship (see "Bibliography").

## 2. A Law-Enforcement Typology

Too often the terms *child molester* and *pedophile* are used to mean the same thing. In fact, not all child molesters are pedophiles, and there is a clear need for a law-enforcement typology to clear up the confusion. Law-enforcement has frequently accepted offender categories and characteristics developed by therapists and criminologists. These typologies, however, primarily serve the needs of mental health professionals and have limited application to those of law-enforcement. These typologies are usually developed from data collected *from* offenders *after* arrest or conviction and often reflect unsubstantiated information about pre-arrest behavior. It is the pre-arrest or pre-identification behavior of child molesters that is of most value to law-enforcement.

### Needs of Law-Enforcement

Child sexual abuse cases can be difficult to prove. Frequently there is only the word of a child against that of an adult. Many factors combine to make it difficult and possibly traumatic for children to testify in court. In spite of some recent advances that make testimony easier for the child victim or witness, an important objective of every investigation of child sexual abuse should be to prove the case without resorting to the courtroom testimony of the child.

The child victim should be carefully interviewed. The information obtained should be evaluated and assessed, and appropriate investigative action should be taken. The investigator, however, should proceed as though he had information about a crime from a reliable source whose identity cannot be revealed. He knows what happened, and now he must prove it without the testimony of the child. This may not always be possible, but it should be the in-

vestigative goal. Many children can testify in court if necessary.

One way to avoid child victim testimony is to avail yourself of other evidence that might help prove the case. Frequently there is more evidence available than the investigator realizes. Much of this evidence can be identified and located only if the investigator has a solid understanding of offender behavior patterns and the kinds of child molesters.

### Kinds of Child Molesters

In another typology, Dr. Park Elliot Dietz divides individuals who sexually molest children into two broad categories: *situational* and *preferential* (see "Bibliography"). This is of great practical use to law-enforcement. The purpose of the typology being set forth in this book is not to gain insight or understanding about *why* child molesters have sex with children in order to help or treat them, but to recognize and evaluate *how* child molesters have sex with children in order to identify, arrest, and convict them. What evidence to look for, whether there are additional victims, how to interview a suspect, and so on, depend on the type of child molester involved.

### Situational Child Molesters

The Situational Child Molester does not have a true sexual preference for children, but engages in sex with children for varied and sometimes complex reasons. For such a child molester, sexuality with children may range from a "once-in-a-lifetime" act to a long-term pattern of behavior. The Situational Child Molester usually has fewer numbers of different child victims. Other vulnerable individuals, such as the elderly, sick, or the disabled, may

also be at a risk of sexual victimization by him or her. For example, the Situational Child Molester who sexually abuses children in a day-care center might leave that job and begin to sexually abuse elderly people in a nursing home. It is the author's undocumented opinion that the number of Situational Child Molesters is larger and increasing faster than that of Preferential Child Molesters. Within this category at least four major patterns of behavior emerge (see also Table 1 on page 8).

**Regressed** Such an offender usually has low self-esteem and poor coping skills; he turns to children as a sexual substitute for the preferred peer sex partner. His main victim criterion seems to be availability, which is why many of these offenders molest their own children. His principal method of operation is to coerce the child into having sex. This type of Situational Child Molester may or may not collect child or adult pornography.

**Morally Indiscriminate** In the author's experience, this is a growing category of child molesters. For this individual, the sexual abuse of children is simply part of a general pattern of abuse in his life. He is a user and abuser of people. He abuses his wife, friends, coworkers. He lies, cheats, or steals whenever he thinks he can get away with it. He molests children for a simple reason: "Why not?" His primary victim criteria are vulnerability and opportunity. He has the urge, a child is there, and so he acts. He typically uses force, lures, or manipulation to obtain his victims. Although his victims frequently are strangers or acquaintances, it is important for the investigator to realize that his victims can also be the offender's own children. The incestuous father or mother might be the morally indiscriminate offender. He frequently collects detective magazines or adult pornography of a sadomasochistic nature. He may collect some child pornography, especially that which depicts pubescent children.

**Sexually Indiscriminate** This pattern of behavior is the most difficult to define. Although the previously described morally indiscriminate offender often is a sexual experimenter, this individual differs in that he appears to be discriminating in his behavior except when it

comes to sex. He is the "try-sexual"—willing to try anything sexual. Much of his behavior is similar to the Preferential Child Molester. While he may have clearly defined paraphilic or sexual preferences—bondage or sadomasochism, etc.—however, he has no real sexual preference for children. His basic motivation is sexual experimentation, and he has sex with children out of boredom. His main criteria for such children are that they are new and different, and he involves children in previously existing sexual activity. Again, it is important to realize that these children may be his own. Such an individual may also provide his children to other adults as part of group sex, a spouse-swapping activity, or even as part of some bizarre ritual. Of all Situational Child Molesters, he is by far the most likely to collect pornography and erotica. Child pornography will only be a small portion of his potentially large and varied collection, however.

**Inadequate** This pattern of behavior is also difficult to define and includes those suffering from psychoses, eccentric personality disorders, mental retardation, and senility. In layman's terms he is the social misfit, the withdrawn, the unusual. He might be the shy teenager who has no friends of his own age or the eccentric loner who still lives with his parents. Although most such individuals are harmless, some can be child molesters and, in a few cases, even child killers. This offender seems to become sexually involved with children out of insecurity or curiosity. He finds children to be nonthreatening objects with whom he can explore his sexual fantasies. The child victim could be someone he knows or a random stranger. In some cases the victim might be a specific "stranger" selected as a substitute for a specific adult (possibly a relative of the child) whom the offender is afraid of approaching directly. Often his sexual activity with children is the result of built-up impulses. Some of these individuals find it difficult to express anger and hostility, which then builds until it explodes—possibly against their child victim. Because of mental or emotional problems, some might take out their frustration in cruel sexual torture. His victims, however, could be among the elderly as well as children—anyone who appears helpless at first

sight. He might collect pornography, but it will most likely be of adults.

Almost any child molester is capable of violence or even murder to avoid identification. In spite of a few notable exceptions, however—Theodore Frank in California and Gary Arthur Bishop in Utah—most of the sexually motivated child murders profiled and assessed by the FBI Behavioral Science Unit have involved Situational Child Molesters, especially the morally indiscriminate and inadequate patterns of behavior. Sadistic and morally indiscriminate Preferential Molesters (pedophiles) who kill will be discussed later in this chapter.

### **Preferential Child Molesters**

The Preferential Child Molesters have a definite sexual preference for children. Their sexual fantasies and erotic imagery focus on children. They have sex with children not because of some situational stress or insecurity but because they are sexually attracted to and prefer children. They can possess a wide variety of character traits but engage in highly predictable sexual behavior. Although they may be smaller in number than the Situational Child Molesters, they have the potential to molest large numbers of victims. For many of them, their problem is not only the nature of their sex drive (attraction to children) but also the quantity (need for frequent and repeated sex with children). Within this category at least three major patterns of behavior emerge (*see also* Table 2 on page 8).

**Seduction** This pattern characterizes the offender who engages children in sexual activity by "seducing" them—courting them with attention, affection, and gifts. Just as one adult courts another, the pedophile seduces children over a period of time by gradually lowering their sexual inhibitions. Frequently his victims arrive at the point where they are willing to trade sex for the attention, affection, and other benefits they receive from the offender. Many of these offenders are simultaneously involved with multiple victims, operating what has come to be called a child sex ring. This may include a group of children in the same class at school, in the same scout troop, or in the same

neighborhood. The characteristic that seems to make this individual a master seducer of children is his ability to identify with them. He knows how to talk to children—but, more important, he knows how to listen to them. His adult status and authority is also an important part of the seduction process. In addition, he frequently selects as targets children who are victims of emotional or physical neglect. The biggest problem for this child molester is not how to obtain child victims but how to get them to leave after they are too old. This must be done without the disclosure of the "secret." Victim disclosure often occurs when the offender is attempting to terminate the relationship. This child molester is most likely to use threats and physical violence to avoid identification and disclosure.

**Introverted** This pattern of behavior characterizes the offender who has a preference for children but lacks the interpersonal skills necessary to seduce them. Therefore, he typically engages in a minimal amount of verbal communication with his victims and usually molests strangers or very young children. He is like the old stereotype of the child molester in that he is more likely to hang around playgrounds and other areas where children congregate, watching them or engaging them in brief sexual encounters. He may expose himself to children or make obscene phone calls to children. He may utilize the services of a child prostitute. Unable to figure out any other way to gain access to a child, he might even marry a woman and have his own children, very likely molesting them from the time they are infants. He is similar to the inadequate Situational Child Molester, except that he has a definite sexual preference for children and his selection of only children as victims is more predictable.

**Sadistic** This pattern of behavior characterizes the offender who has a sexual preference for children but who, in order to be aroused or gratified, must inflict pain or suffering on the child victim. They typically use lures or force to gain access to their victims. They are more likely than other Preferential Child Molesters to abduct and even murder their victims. There have been some cases where seduction molesters have become sadistic molesters. It is

not known whether the sadistic needs developed late or were always there and surfaced for some reason. In any case, it is fortunate that sadistic child molesters do not appear to be large in number.

### The Role of Law-Enforcement

In our typology the term Preferential Child Molester is synonymous with the pedophile who sexually molests or exploits children. Since there are federal, state, and local laws that deal with such crimes as the possession and distribution of child pornography, law-enforcement officers will sometimes be involved

in the investigation of pedophiles and others who have not technically molested children but who have sexually exploited them. Therefore, pedophiles who do not physically or legally sexually molest children might become of investigative interest to local or federal law-enforcement. Any individual, however, who collects or distributes child pornography actually perpetuates the sexual abuse of the child portrayed. It is no different than the circulation of sexually explicit pictures taken by a rapist of his victim during the rape. Such collectors and distributors of child pornography are, in essence, child molesters. (See also "Appendix," page 58.)

Table 1  
Situational Child Molester

	<i>Regressed</i>	<i>Morally Indiscriminate</i>	<i>Sexually Indiscriminate</i>	<i>Inadequate</i>
<i>Basic Characteristics</i>	Poor coping skills	User of people	Sexual experimentation	Social misfit
<i>Motivation</i>	Substitution	Why not?	Boredom	Insecurity and curiosity
<i>Victim Criteria</i>	Availability	Vulnerability and opportunity	New and different	Non-threatening
<i>Method of Operation</i>	Coercion	Lure, force, or manipulation	Involve in existing activity	Exploits size, advantage
<i>Pornography Collection</i>	Possible	Sadomasochistic; detective magazines	Highly likely; varied nature	Likely

Table 2  
Preferential Child Molester

	<i>Seduction</i>	<i>Introverted</i>	<i>Sadistic</i>
<i>Common Characteristics</i>	1. Sexual preference for children 2. Collects child pornography or erotica		
<i>Motivation</i>	Identification	Fear of communication	Need to inflict pain
<i>Victim Criteria</i>	Age and gender preferences	Strangers or very young	Age and gender preferences
<i>Method of Operation</i>	Seduction process	Non-verbal sexual contact	Lure or force

### 3. The Law-Enforcement Investigation

In applying any typology, the law-enforcement officer must recognize the difficulty of attempting to put complex human behavior into neat categories. There will always be exceptions and difficulties. The law-enforcement typology described in the previous chapter involves two broad categories of child molesters (Situational and Preferential) and seven subcategories of patterns of behavior. These patterns of behavior are not necessarily mutually exclusive.

#### Combination Offenders

A Preferential Child Molester (pedophile) might have other psychosexual disorders, personality disorders, or psychoses or may be involved in other types of criminal activity. A pedophile's sexual interest in children might be combined with other sexual deviations (paraphilias), which include indecent exposure (exhibitionism), obscene phone calls (scatophilia), exploitation of animals (zoophilia), urination (urophilia), defecation (coprophilia), binding (bondage), baby role playing (infantilism), infliction of pain (sadism, masochism), real or simulated death (necrophilia), and others. The Preferential Child Molester is interested in sex with children that might, in some cases, involve other sexual deviations. The morally or sexually indiscriminate Situational Child Molester is interested in a variety of sexual deviations that might, in some cases, involve children. There are cases in which pedophiles are also psychopathic con artists, paranoid survivalists, or even serial killers. One particularly difficult offender to deal with is the morally indiscriminate Preferential Child Molester. If an offender has a sexual preference for children and at the same time has no conscience, there is no limit on how he might sexually victimize children. Such an of-

fender is likely to abduct or murder children. While his preferential sexual interest in children affects his victim selection, however, most of his behavior is determined by a stunning lack of conscience. He is best viewed as a morally indiscriminate offender and should be investigated and interviewed as such.

#### Sex Rings

When investigating cases involving multiple offenders, such as daycare center abuses or other kinds of sex rings, the investigator must recognize that the subjects involved could include different kinds of molester types. The staff at a daycare center where children are being molested might include a seduction molester, morally indiscriminate molesters, or any other combination of the previously discussed types of molesters. A satanic cult involved in sexually abusing children might include morally indiscriminate, sexually indiscriminate, inadequate, and sadistic patterns of behavior. The behavior of the individuals involved must be carefully evaluated in order to develop appropriate investigative and interview strategies.

An important application of this typology is the simple recognition that not all child molesters are the same. Not all child molesters are pedophiles. Not all child molesters are passive, nonaggressive people. Child molesters look like everyone else and are motivated by a wide variety of influences. There is no single investigative or interview technique to deal with all of them.

#### Incest Cases

It has become commonly accepted that incestuous fathers are typically regressed child mo-

lesters who molest only their own children, do not collect child pornography, and who are best dealt with in noncriminal treatment programs. There are cases, however, in which the incestuous father appears to be a seducer or introverted Preferential Child Molester (pedophile) who married simply to gain access to children. In many cases, he has molested children outside the marriage or children in previous marriages.

Such individuals frequently look for women who already have children who meet their age and gender preferences. Their marriages usually last only as long as there are children in the victim preference range. In today's more liberal society, such an offender frequently no longer marries the woman, but simply moves in with her and her children. On some occasions, they merely befriend the mother and do not even pretend romantic interest in her but only express a desire to be a "father figure" for her children and help with expenses. Another technique is to marry a woman and adopt children or take in foster children. The last and least desirable strategem he uses is to have his own children—the least desirable method because it requires the offender to have sex with his wife and because there are few guarantees that the baby will be of the preferred sex.

In order to engage in sexual relations with his wife, the pedophile must create a fantasy. To aid in this fantasy some pedophiles have their wives dress, talk, or behave like children. After the birth of a baby of the preferred sex, such pedophiles may terminate or greatly reduce sexual relations with their wives. Of course, these facts are difficult for the police investigator to learn. Most wives or even ex-wives would be embarrassed to admit these sexual problems.

Other incestuous fathers are morally indiscriminate individuals whose sexual abuse of children is only a small part of their problem. They are cunning, manipulative individuals who can convincingly deny the allegations against them or, if the evidence is overwhelming, claim they need "help with their problem." Their personality disorder is more serious than even pedophilia and probably more difficult to treat.

## Female Offenders

Where do female child molesters fit into this typology? The answer is unknown at this time. The author is not aware of a sufficient number of cases involving female offenders to include them in this typology; however, it is thought that the sexual abuse of children by females is far more prevalent than most people believe.

Many people believe that sex between an older woman and an adolescent boy is not molestation but a "rite of passage." Furthermore, sexual activity between women and young children is difficult to identify. Females are the primary caretakers in our society and can dress, bathe, change, examine, and touch children with little suspicion.

Many of the recent cases involving sexual abuse in daycare centers involve female offenders. There are many cases in which females actively participate in the sexual abuse of children with an adult male accomplice. It is rare to find a case, however, in which a female offender fits the dynamics of the Preferential Child Molester. This is a new area that needs additional research and study.

## Adolescent Offenders

Another area that has recently received increased attention involves adolescent offenders. In past years, adolescent child molesters were usually dismissed with "boys will be boys" or "he's just going through a stage." Adolescent child molesters can fit into either broad category and any of the patterns of behavior described in this book. Frighteningly, though, many of the cases seen by the author involving adolescent child molesters seem to fit the morally indiscriminate pattern of behavior. These adolescent offenders must be carefully evaluated for proper intervention and treatment whenever possible.

In addition, adolescent (and even younger) sex offenders should *always* be viewed as past or current victims of sexual abuse. Recognizing and then investigating this victimization can lead to the identification of additional offenders and victims. The sexual abuse of younger children by an older child should always be viewed as an indication that the older child was sexually abused.

## 4. Identifying Pedophiles

*Sexual exploitation* is a term used to describe the sexual victimization of children, involving child pornography, child sex rings, and child prostitution. While offenders utilizing the services of a child prostitute may be either Situational or Preferential Child Molesters, those involved in child pornography and child sex rings are predominately Preferential Child Molesters. And, although a variety of individuals sexually abuse children, Preferential Child Molesters, or pedophiles, are the *primary* sexual exploiters of children. (For the purpose of our law-enforcement typology, *pedophile* is used interchangeably with *Preferential Child Molester*.)

An important step in investigating the difficult cases of child-sexual victimization is to recognize and identify, if present, the highly predictable sexual behavior patterns of Preferential Child Molesters, or pedophiles. First, it is essential that the law-enforcement investigator attempt to determine if an offender is a Situational or Preferential Child Molester.

There are most likely more Situational than Preferential Child Molesters. Each Situational Child Molester, however, is likely to abuse only a small number of children in a lifetime. A Preferential Child Molester might molest ten, fifty, hundreds, or even a thousand children in a lifetime. The *Washington Post* reported that a recent study by Dr. Gene Abel of 571 sex offenders against children found that offenders older than 18 years of age had an *average* of 380 victims. Although pedophiles vary greatly, their sexual behavior is repetitive and highly predictable. Knowledge of these sexual behavioral patterns or characteristics is extremely valuable to the law-enforcement investigator.

These highly predictable and repetitive behavior patterns make cases involving Preferen-

tial Child Molesters far easier to investigate than those involving Situational Child Molesters. If enough of these characteristics can be identified through investigation, the majority of the remaining ones can be assumed. Most of these indicators mean little by themselves. As they are identified and accumulated through investigation, however, they can constitute reason to believe a certain offender is a Preferential Child Molester. You do not have proof beyond a reasonable doubt, but you may have probable cause.

### **The Preferential Child Molester (Pedophile)**

The four major characteristics of the Preferential Child Molester (pedophile) are 1) long-term and persistent pattern of behavior, 2) children as preferred sexual objects, 3) well-developed techniques in obtaining victims, and 4) sexual fantasies focusing on children. These characteristics, together with the listed indicators, will assist the investigator in identifying the Preferential Child Molester and collecting the evidence necessary to arrest and convict him. At the outset, it must be stated and emphasized that *the indicators alone mean little*. Their significance and weight comes as they are accumulated and come to form a pattern of behavior. If the investigator determines the existence of enough of these indicators, there is probable cause to believe the individual is a Preferential offender. In order to identify these indicators, the investigator must be willing to go beyond the typical background check of date of birth and credit and criminal histories.

#### **1. Long-Term and Persistent Pattern of Behavior**

*Sexual abuse in background* Although most victims of child sexual abuse do not become

offenders, research indicates that most offenders are former victims. It is well worth the investigator's time and effort to determine if a suspect had ever been the victim of sexual abuse and what was the nature of the abuse (age it occurred, relationship with offender, acts performed, etc.).

*Limited social contact as teenagers* The pedophile's sexual preference for children usually begins in early adolescence. Therefore, during his teenage years he may have exhibited little sexual interest in people his own age. But, as with several of these indicators, that fact alone means little.

*Premature separation from military* If an individual was dishonorably discharged for molesting children, there is not much doubt about the case. It was far more common, though, for this type of individual to be prematurely separated from the military with no specific reason given or available. The military, like most organizations, was frequently interested in only getting rid of such individuals and not necessarily in prosecuting them. Fortunately, this attitude seems to be changing.

*Frequent and unexpected moves* When they are identified, pedophiles are frequently "asked" to leave town by someone in authority, by the parent of one of the victims, or by an employer. This was, and still is, a common way to deal with the problem. The result is that pedophiles frequently show a pattern of living in one place for several years with a good job and then suddenly and for no apparent reason moving and changing jobs. Chances are the investigator will find no official record of what happened. The pedophile will usually have an explanation for the move, but it probably will not reflect the true circumstances. This moving pattern can sometimes be determined from examination of drivers license records.

*Prior arrests* In some cases, pedophiles have previously been arrested for child molestation or sexual abuse. Certainly, such an arrest record is a major indicator, particularly if the arrest goes back many years or is repeated. Investigators must also be alert to the fact that pedophiles may have arrest

records for actions that do not appear to involve sexual abuse. These might include impersonating a police officer, writing bad checks, violating child labor laws, or other violations that may indicate a need to check further. The investigator should attempt to get copies of the reports concerning the arrests in order to evaluate their significance properly.

*Multiple victims* If investigation reveals that an individual molested many different victims, that is a very strong indicator that the offender is a pedophile. More important, if other factors indicate that the offender is a pedophile, then a concerted effort should be made to identify the multiple victims. If you know of only one victim, but have reason to believe the offender is a pedophile, then begin looking for the other victims. For instance, if a teacher who is a suspected pedophile molests one child in his class, the chances are high that he has molested or attempted to molest other children in the class as well as children in all the other classes he has taught. This is also true of incest offenders suspected of being Preferential Child Molesters.

*Planned, repeated, or high-risk attempts* Bold and repeated attempts to obtain children that have been carried out in a cunning and skillful manner is a strong indication that the offender is a pedophile.

## 2. Children as Preferred Sexual Objects

*Over 25, single, never married* By itself, this indicator means nothing. It has significance only when combined with several other indicators. Because they have a sexual preference for children, pedophiles usually have some degree of difficulty in performing sexually with adults. Therefore, they typically do not marry. Some pedophiles, though, do enter into marriage for specific reasons, and these will be discussed below.

*Lives alone or with parents* This indicator is closely related to the above. Again, by itself, it has little meaning. The fact that a man lives alone does not mean he is a pedophile. The fact that an individual who possesses many of the other traits discussed

here and also lives alone might be significant.

*Limited dating relationships if not married*

A man who lives alone, has never been married, and does not date should arouse suspicion if he possesses other characteristics discussed here.

*If married, "special" relationship with spouse*

When they do marry, pedophiles often marry either a strong, domineering woman or a weak, passive woman-child. In any case, they will marry a woman who does not have high sexual expectations or needs. A woman married to a pedophile may not realize that her husband is a pedophile but she does know he has a "problem"—a sexual performance problem. Because she may blame herself for this problem and because of the private nature of people's sex lives, most wives will usually not reveal this information to an investigator. However, a wife, ex-wife, or girlfriend should always be considered as a possible source of information concerning the sexual preferences of an offender. Pedophiles sometimes marry for convenience or cover. Pedophiles marrying to gain access to children is discussed below.

*Excessive interest in children* How much interest is excessive? This is a difficult question. The old adage "If it sounds too good to be true, maybe it is" may apply here. If someone's interest in children seems too good to be true, maybe it is. This is not proof that someone is a pedophile, but it is a reason to be suspicious. It becomes more significant when this excessive interest is combined with other indicators discussed here.

*Associates and circle of friends are young* In addition to sexual activity, pedophiles frequently socialize with children. They may hang around schoolyards, arcades, shopping centers—any place that children frequent. Their "friends" may be male, female, or both sexes, very young or teenagers, all depending on the age and gender preferences of the pedophile.

*Limited peer relationships* Because they

cannot share the most important part of their life (their sexual interest in children) with most adults, pedophiles may have a limited number of close adult friends. Only other pedophiles will validate their sexual behavior. If a suspected pedophile has a close adult friend, the possibility that the friend is also a pedophile must be considered.

*Age and gender preference* Most pedophiles prefer children of a certain sex in a certain age range. The older the age preference of the pedophile, the more exclusive the gender preference. Pedophiles attracted to toddlers are more likely to molest boys and girls indiscriminately. A pedophile attracted to teenagers is more likely to prefer either boys or girls exclusively. The preferred age bracket for the child can also vary. One pedophile might prefer boys 8 to 10, while another might prefer boys 6 to 12. A pedophile's age preference might not even correspond exactly with the legal definitions of a child or minor. For example, a pedophile might prefer sexual partners 13 to 19. How old a child looks and acts is more important than actual chronological age. A 13-year-old child who looks and acts like a 10-year-old child could be a victim target for a molester preferring 8 to 10 year olds. For the introverted Preferential Child Molester, how old the child looks is more important than how old the child acts. Puberty seems to be an important dividing line for many pedophiles. This is only an age and gender preference, not an exclusive limitation. Any individual expressing a strong desire to care for or adopt only a child of a very specific sex and age (other than an infant) should be viewed with some suspicion.

*Refers to children as "clean," "pure," "innocent," "impish," etc., or as objects* Pedophiles sometimes have an idealistic view of children that is expressed in their language and writing. Others sometimes refer to children as if they were objects, projects, or possessions. "This kid has low mileage" and "I've been working on this project for six months" are typical comments.

### 3. Well-Developed Techniques in Obtaining Victims

#### *Skilled at identifying vulnerable victims*

Some pedophiles can watch a group of children for a brief period of time and then select a potential target. More often than not, the selected child turns out to be from a broken home or the victim of emotional or physical neglect. This skill is developed through practice and experience.

*Identifies with children (better than with adults)* Pedophiles usually have the ability to identify with children better than they do with adults—a trait that makes most pedophiles master seducers of children. They especially know how to *listen* to children. Many pedophiles are described as “pied pipers” who attract children.

*Access to children* This is one of the most important indicators of a pedophile. The pedophile will surely have a method of gaining access to children. Other than simply hanging around places children congregate, pedophiles sometimes marry or befriend women simply to gain access to their children. Pedophiles are frequently the “nice guys” in the neighborhood who like to entertain the children after school or take them on day or weekend trips. Also, a pedophile may seek employment where he will be in contact with children (teacher, camp counselor, babysitter, school bus driver) or where he can eventually specialize in dealing with children (physician, dentist, minister, photographer, social worker, police officer). The pedophile may also become a scout leader, Big Brother, foster parent, Little League coach, and so on. The pedophile may operate a business that hires adolescents. In one case known to the author, a pedophile married, had a daughter, and he molested her. He was the “nice guy” in the neighborhood who had the neighborhood girls over to his house for parties, at which he molested them. He was a coach for a girl’s softball team, and he molested the players. He was a dentist who specialized in child patients, and he molested them.

*Activities with children, often excluding other adults* The pedophile is always trying to get children into situations where there

are no other adults present. On a scout hike he might suggest the fathers go into town for a beer. He will “sacrifice” and stay behind with the boys.

#### *Seduces with attention, affection, and gifts*

This is the most common technique used by pedophiles. They literally seduce the children by befriending them, talking to them, listening to them, paying attention to them, spending time with them, and buying gifts for them. If you understand the courtship process, it should not be difficult to understand why some child victims develop positive feelings for the offender. Many people can understand why an incest victim might not report his or her father, but they cannot understand why a victim not related to the offender does not immediately report molestation. There are many reasons for a victim not immediately reporting molestation (fear, blackmail, embarrassment, confusion), but the results of the seduction process are often ignored or not understood at all.

*Skilled at manipulating children* In order to operate a child sex ring involving simultaneous sexual relations with multiple victims, a pedophile must know how to manipulate children. The pedophile uses seduction techniques, competition, peer pressure, child and group psychology, motivation techniques, threats, and blackmail. The pedophile must continuously recruit children into and move children out of the ring without his activity being disclosed. Part of the manipulation process is lowering the inhibitions of the children. A skilled pedophile who can get children into a situation where they must change clothing or stay with him overnight will almost always succeed in seducing them. Not all pedophiles possess these skills. The introverted Preferential Child Molester is an example of a pedophile who typically lacks these abilities.

#### *Has hobbies and interests appealing to children*

This is another indicator that must be considered for evaluation only in connection with other indicators. Pedophiles might collect toys or dolls, build model planes or boats, or perform as clowns or

magicians to attract children. A pedophile interested in older children might have a "hobby" involving alcohol, drugs, or pornography.

*Shows sexually explicit material to children*

Any adult who shows sexually explicit material to children of any age should be viewed with suspicion. This is generally part of the seduction process in order to lower inhibitions. A pedophile might also encourage or allow children to call a dial-a-porn service as part of this process.

#### 4. Sexual Fantasies Focusing on Children

*Youth-oriented decorations in house or room* Pedophiles attracted to teenage boys might have their homes decorated the way a teenage boy would. This might include toys, games, stereos, rock posters, and so on. The homes of some pedophiles have been described as shrines to children or as miniature amusement parks.

*Photographing of children* This includes photographing children fully dressed. One pedophile bragged that he went to rock concerts with thirty or forty rolls of film in order to photograph young boys. After developing the pictures, he fantasized about having sex with them. Such a pedophile might frequent playgrounds, youth athletic contests, child beauty pageants, or child exercise classes with his camera.

*Collecting child pornography or child erotica* This is one of the most significant characteristics of pedophiles, discussed in detail on pages 17-25.

If, after evaluating these indicators, the law-enforcement investigator has reason to suspect that a particular subject or suspect is a Preferential Child Molester, the investigator should utilize the two most important pedophile indicators to his or her investigative advantage. These two indicators are the evidence of multiple victims and collection of child pornography or erotica.

The investigator must attempt to identify additional victims to strengthen the case against the offender. The more victims identified, the less likely that any of them will have to testify in court. But, even more important, *as soon as legally possible* the investigator must obtain a warrant to search for child pornography or erotica, which is invaluable as evidence. There is a certain urgency in this because the more interviews conducted to obtain the needed probable cause for a search warrant, the greater the chance the pedophile will learn of the investigation and move or hide his collection. Child pornography, especially that produced by the offender, is the *single* most valuable piece of evidence of child sexual abuse that any investigator can have. The effects on a jury of viewing seized child pornography is devastating to the defendant's case.

## 5. Collection of Child Pornography and Erotica

Law-enforcement investigations have verified that pedophiles almost always collect child pornography or child erotica. *Collection* is the key word here. It does not mean that pedophiles merely view pornography: They save it. It comes to represent their most cherished sexual fantasies. They typically collect books, magazines, articles, newspapers, photographs, negatives, slides, movies, albums, drawings, audiotapes, videotapes and equipment, personal letters, diaries, clothing, sexual aids, souvenirs, toys, games, lists, paintings, ledgers, photographic equipment, etc.—all relating to children in a sexual, scientific, or social way. Not all pedophiles collect all these items; their collections vary in size and scope. Factors that seem to influence the size of a pedophile's collection include 1) socioeconomic status, 2) living arrangements, and 3) age. Better educated and more affluent pedophiles tend to have larger collections. Pedophiles whose living or working arrangements give them a high degree of privacy tend to have larger collections. Because collections are accumulated over a period of time, older pedophiles tend to have larger collections. Pedophiles with the economic means are converting more and more to videotape systems. They are even converting their books, magazines, photographs, and movies to videotape. For less than \$1,500, a pedophile can have his own video camera and two video recorders, which give him the capability to produce and duplicate child pornography and erotica with little fear of discovery.

Situational Child Molesters might also collect pornography but not with the high degree of predictability of the Preferential Child Molester. In addition, child pornography will comprise a small percentage of the total collec-

tion of the Situational Child Molester. In the child pornography collected by Situational Child Molesters, the children might be dressed up (stockings, high heels, makeup) to look like adults. The morally indiscriminate child molester might collect pornography or erotica of a predominately sadomasochistic theme but probably will not save the same material year after year. The sexually indiscriminate individual is most likely to have an extensive collection; however, the vast majority of it will not be child oriented. His material might display a wide variety of sexual activity and perversions, with child pornography being only one small portion. The law-enforcement investigator should always consider the possibility that any child molester might collect child pornography or erotica; however, it is almost a certainty with the Preferential type. Because true child pornography is not easy to obtain, some pedophiles have only child erotica in their collections. Because it represents his sexual fantasies (age and gender preferences, desired sexual acts), the collection of any child molester should be carefully examined and evaluated.

Previous research conducted with Carol R. Hartman and Ann W. Burgess identified four kinds of collectors: 1) "closet," 2) "isolated," 3) "cottage," and 4) "commercial." The "closet collector" keeps his collection a secret and is not actively involved in molesting children. Materials are usually purchased discreetly through commercial channels. The "isolated collector" is actively molesting children as well as collecting child pornography or erotica. Fear of discovery overrides his need for active validation and causes him to keep his activity a secret between only himself and his victims. His collection may include pictures of his victims taken by him as well as material from

other sources. The "cottage collector" shares his collection and sexual activity with other individuals. This is usually done primarily to validate his behavior, and money or profit is not a significant factor. Photographs, videotapes, and "war stories" are swapped and traded with other child molesters (and sometimes, unknowingly, with undercover investigators). The "commercial collector" recognizes the monetary value of his collection and sells his duplicates to other collectors. Although profit is an important motive, these individuals are usually active sexual molesters themselves.

### Child Pornography

What the pedophile collects can be divided into two categories: child pornography and child erotica. *Child pornography* can be behaviorally (not legally) defined as the sexually explicit reproduction of a child's image, voice, or handwriting—including sexually explicit photographs, negatives, slides, magazines, movies, videotapes, audiotapes, and handwritten notes. In essence, it is the permanent record of the sexual abuse of a child. The only way child pornography can be reproduced is through child victimization. Child pornography exists primarily for the consumption of pedophiles. If there were no pedophiles, there would be little child pornography other than that involving adolescent children.

Child pornography can be divided into two subcategories: commercial and homemade. *Commercial* child pornography is that which is produced and intended for commercial sale. Because of strict federal and state laws today, there is no place in the United States where commercial pornography is knowingly openly sold. The commercial child pornography still being distributed in the United States is smuggled in from foreign countries—primarily by pedophiles. The risks are usually too high for the strictly commercial dealer. Because of their sexual and personal interests, however, pedophiles are more willing to take those risks. Their motive goes beyond just profit.

Contrary to what its name implies, the quality of homemade child pornography can be as good if not better than the quality of any commercial pornography. The pedophile has a

personal interest in the product. *Homemade* simply means it was not originally produced primarily for commercial sale. Although commercial child pornography is not openly sold anywhere in this country, homemade child pornography is continually produced, swapped, and traded in almost every community in America. Sometimes homemade child pornography is sold or winds up in commercial child pornography magazines, movies, or videos.

It is important for the law-enforcement investigator to realize that most of the children in pre-pubescent child pornography were not abducted into sexual slavery. They were seduced into posing for these pictures or videos by a pedophile they probably know. They were never missing children. In some cases their own parents took the pictures or made them available for others to take the pictures. Children in pubescent or technical child pornography, however, are more likely to be missing children—especially runaways or throwaways being exploited by morally indiscriminate pimps or profiteers.

In understanding the nature of child pornography, the law-enforcement officer must recognize the distinction between *technical* and *simulated* child pornography. The Child Protection Act of 1984 defines a *child* as anyone under the age of 18. Therefore, a sexually explicit photograph of a 15-, 16- or 17-year-old girl or boy is *technical* child pornography. The production, distribution, and, in some cases, the possession of child pornography could and should be investigated under appropriate child pornography statutes. The investigator should understand, though, that the consumers of such material are not necessarily pedophiles.

On the other hand, sexually explicit photographs of 19-year-old or older males or females are not legally child pornography. But if the person portrayed in such material is young looking, dressed youthfully, or made up to look young, the material could be of interest to pedophiles. This is *simulated* child pornography. It is designed to appeal to the pedophile but it is not legally child pornography because the individuals portrayed are over 18. This illustrates the importance and sometimes the

difficulty in proving the age of the child in the photographs or videotapes.

Unlike child erotica, child pornography requires a child to be victimized. A child had to be sexually exploited to produce the material. Children used in pornography are desensitized and conditioned to respond as sexual objects. They are frequently ashamed of their portrayal in such material. They must deal with the permanency, longevity, and circulation of such a record of their sexual abuse. Some types of sexual activity can be repressed and hidden from public knowledge; child victims can imagine that some day the activity will be over and they can make a fresh start. Many children, especially adolescent boys, vehemently deny their involvement with a pedophile. But there is no denying or hiding from a sexually explicit photograph or videotape. The child in a photograph or videotape is young forever and the material can be used over and over again for years. Some children have even committed crimes in attempts to retrieve or destroy the permanent records of their molestation.

### Child Erotica (Pedophile Paraphernalia)

*Child erotica* is a broader and more encompassing term than child pornography. It can be defined as any material, relating to children, that serves a sexual purpose for a given individual. Some of the more common types of child erotica include toys, games, drawings, fantasy writings, diaries, souvenirs, sexual aids, manuals, letters, books about children, psychological books on pedophilia, and ordinary photographs of children. Child erotica might also be referred to as *pedophile paraphernalia*. Generally, possession and distribution of these items does not constitute a violation of the law.

For investigative purposes, child erotica can be divided into the categories below.

**Published Material Relating to Children** Examples of this include books, magazines, articles, or videotapes dealing with any of the following areas:

Child development	Sexual disorders
Sex education	Pedophilia
Child photography	Man-boy love
Sexual abuse of children	Personal ads

Incest	Detective magazines
Child prostitution	"Men's" magazines
Missing children	Nudism
Investigative techniques	Erotic novels
Legal aspects	Catalogs
Access to children	Brochures

Listings of foreign sex tours, guides to nude beaches, and material on sponsoring orphans or needy children provide them with information about access to children. Detective magazines saved by pedophiles usually contain stories about crimes against children. The "men's" magazines collected may have articles about sexual abuse of children. The use of adult pornography to lower inhibitions is discussed elsewhere in this book. Although the possession of information on missing children should be carefully investigated to determine possible involvement in abduction, most pedophiles collect this material to help rationalize their behavior as child "lovers," not abductors. Personal ads include those in "swinger" magazines, video magazines, and newspapers, and may mention "family fun," "family activity," "European material," "youth training," "unusual and bizarre," "better life," and so on. Erotic novels may contain stories about sex with children but without sexually explicit photographs. They may contain sketches or drawings. Materials concerning current or proposed laws dealing with sex abuse; arrested, convicted or acquitted child molesters; or investigative techniques used by law-enforcement are common.

**Unpublished Material Relating to Children** Examples include items such as the following:

Personal letters	Telephone and address books
Audiotapes	Pedophile manuals
Diaries	Newsletters and bulletins
Fantasy writings	Directories
Manuscripts	Adult pornography
Financial records	

Directories usually contain information on where to locate children. Newsletters and bulletins are distributed by pedophile support groups, such as the North American Man-Boy Love Association (NAMBLA), the Lewis Carroll Collector's Guild, and any other similar group. Manuscripts are writings of the pe-

dophile in formats suitable for real or imagined publication. Ledgers and financial records might include cancelled checks used to pay victims or to purchase pornography or erotica.

**Pictures, Photographs, and Videotapes of Children** Examples include children found in the following:

- Photography, art, or sex education books
- Photograph albums and displays
- Candid shots
- Photocopies of photographs or pictures
- Drawings and tracings
- Posters and paintings
- Advertisements
- Children's television programs or videos
- Cut-and-paste pictures

Cut-and-paste involves creating new pictures by cutting and pasting parts of old ones. Seized videotapes should always be viewed or scanned in their entirety because a variety of material, including hard-core child pornography, could be on any one tape. Some pedophiles cut out pictures of children from magazines and put them in albums as if they were photographs.

**Souvenirs and Trophies** Examples may include mementos of children, listed below:

- Photographs
- Articles of clothing
- Jewelry and personal items
- Audiotapes
- Letters and notes
- Charts and records

Photographs collected by pedophiles are often labeled or marked. Charts and records might include astrology or biorhythm charts. Audiotapes, letters, and notes collected for souvenir purposes are usually from past child victims and discuss what the two did together and how much the victims like the offender. Personal items could even include victims' fingernails, hair, or underwear.

**Miscellaneous** This category can include items used in courting children:

- Computers and peripheral equipment
- Sexual aids
- Toys, games, and dolls

**Costumes**

- Child- or youth-oriented decorations
- Video and photography equipment
- Alcohol and drugs

Costumes include those worn by the offender and by the children.

**Motivation for Collection**

It is difficult to know with certainty why pedophiles collect child pornography and erotica. There may be as many reasons as there are pedophiles. Collecting this material may help pedophiles satisfy, deal with, or reinforce their *compulsive*, persistent sexual fantasies about children. Some child erotica is collected as a substitute for preferred but unavailable child pornography.

Collecting may also fulfill needs for *validation*. Many pedophiles collect academic and scientific books and articles on the nature of pedophilia in an effort to understand and justify their own behavior. For the same reason, pedophiles often collect and distribute articles and manuals written by pedophiles in which they attempt to justify and rationalize their behavior. In this material pedophiles share techniques for finding and seducing children and avoiding or dealing with the criminal justice system. Pedophiles get passive validation from the books and articles they read and collect.

Pedophiles swap pornographic photographs the way boys swap baseball cards. As they add to their collections, they get strong reinforcement from each other for their behavior. The collecting and trading process becomes a common bond. Pedophiles get active validation from other pedophiles.

The need for *validation* may also partially explain why some pedophiles compulsively and systematically save the collected material. It is almost as though each communication and photograph is evidence of the value and legitimacy of their behavior. For example, one pedophile sends another pedophile a letter, enclosing photographs and describing his sexual activities with children. At the letter's conclusion he asks the receiver to destroy the letter because it could be damaging evidence against him. Six months later police find the letter—

carefully filed as part of the pedophile's organized collection.

Some of the child pornography and erotica collected by pedophiles is saved as a souvenir or trophy of the relationships with children. All child victims will grow up and become sexually unattractive to the pedophile. In a photograph, however, a 9-year-old child stays young forever. This is one reason why many pedophiles date and label their pictures and videotapes of children.

The need to validate their behavior and to have souvenirs of their relationships are the motivations most overlooked by investigators when evaluating the significance of the pornography and erotica collections of pedophiles.

### Use of Collection

Although the reasons why pedophiles collect child pornography and erotica are conjecture, we can be more certain as to how this material is used. Study and police investigations have identified certain criminal uses of the material.

Child pornography and child erotica are used for the sexual arousal and gratification of pedophiles. They use child pornography the same way other people use adult pornography—to feed sexual fantasies. Some pedophiles only collect and fantasize about the material without acting out these fantasies, but in most cases the arousal and fantasy fueled by the pornography is only a prelude to actual sexual activity with children.

A second use of child pornography and erotica is to lower children's inhibitions. A child who is reluctant to engage in sexual activity with an adult or to pose for sexually explicit photos can sometimes be convinced by viewing other children having "fun" participating in the activity. Peer pressure can have a tremendous effect on children; if other children are involved, the child might be led to believe that the activity is acceptable. When the pornography is used to lower inhibitions, the children portrayed will usually *appear* to be having a good time.

Books on human sexuality, sex education, and sex manuals are also used to lower inhibi-

tions. Children accept what they see in books, and many pedophiles have used sex education books to prove to children that such sexual behavior is acceptable. Adult pornography is also used, particularly with adolescent boy victims, to arouse them or to lower inhibitions.

A third major use of child pornography collections is blackmail. If a pedophile already has a relationship with a child, seducing the child into sexual activity is only part of the plan. The pedophile must also ensure that the child keep the secret. Children are most afraid of pictures being shown to their friends. Pedophiles use many techniques to blackmail; one of them is through photographs taken of the child. If the child threatens to tell his or her parents or the authorities, the existence of sexually explicit photographs can be an effective silencer.

A fourth use of child pornography and erotica is as a medium of exchange. Some pedophiles exchange photographs of children for access to or phone numbers of other children. The quality and theme of the material determine its value as an exchange medium. Rather than paying cash for access to a child, the pedophile may exchange a small part (usually duplicates) of his collection. The younger the child and the more bizarre the acts, the greater the value of the pornography.

A fifth use of the collected material is profit. Some people involved in the sale and distribution of child pornography are not pedophiles; they are profiteers. In contrast, most pedophiles seem to collect child erotica and pornography for reasons other than profit. Some pedophiles may begin nonprofit trading, which they pursue until they accumulate certain amounts or types of photographs, which are then sold to commercial dealers for reproduction in commercial child pornography magazines. Others combine their pedophilic interests with their profit motive. Some collectors even have their own photographic reproduction equipment. Thus, the photograph of a child taken with or without parental knowledge by a neighborhood pedophile in any American community can wind up in a commercial child pornography magazine with worldwide distribution.

## Characteristics of Collection

**Important** The pedophile's collection is usually one of the most important things in his life. He is willing to spend considerable time and money on it. Most pedophiles make no profit from their collections. After release from prison, many pedophiles attempt to get their collections back from the police.

**Constant** No matter how much the pedophile has, he never has enough; and he rarely throws anything away. If police have evidence that a pedophile had a collection five or ten years ago, chances are he still has the collection now—only it is larger. This is a very significant characteristic to consider when evaluating the staleness of information used to obtain a search warrant.

**Organized** The pedophile usually maintains detailed, neat, orderly records. There are exceptions, but the collections of most pedophiles are carefully organized and maintained. As will be discussed, some pedophiles now use computers for this purpose.

**Permanent** The pedophile might move, hide, or give his collection to another pedophile if he believes the police are investigating him. He is not likely to destroy the collection: It is his life's work. In some cases he might even prefer that the police seize it and keep it intact in an evidence room where he might retrieve at least some of it when released from prison. One offender is known to have willed his collection to a fellow pedophile.

**Concealed** Because of the hidden or illegal nature of the pedophile's activity, he is concerned about the security of his collection. But this must always be weighed against his access to the collection. It does him no good if he cannot get to it.

Where pedophiles hide their collections often depends on their living arrangements. If living alone or with someone aware of his preference for children, the collection will be less well concealed. It might be in a trunk, box, cabinet, bookcase, or out in the open. The child pornography might be better hidden than the erotica. If living with family members or others not aware of his activity, it will be bet-

ter concealed. The collection might be found behind a false panel, in the duct work, under insulation, and so on. The collection is usually in the pedophile's home, but it could be in an automobile or a camper, at his place of business, in a safety deposit box, or in a rented storage locker. The most difficult location to find is a secret place in a remote rural area. The investigator should search any area that is under the control of the offender.

**Shared** The pedophile frequently has a need or desire to show and tell others about his collection. He is seeking validation for all his efforts. The investigator can use this need to his advantage by showing interest in the collection during any interview of a pedophile. The offender might appreciate the opportunity to brag about how much time, effort, and skill went into his collection.

**Use of Computers** There is a modern invention that is of invaluable assistance to the pedophile: the computer. It could be a large computer system at his place of business or a small personal computer at his home. It is simply a matter of modern technology catching up with long-known personality traits. The computer helps fill their needs for organization, validation, and souvenir records.

Law-enforcement investigation has determined that pedophiles use computers to organize their collections and correspondence. Many pedophiles seem to be compulsive record keepers. A computer makes it much easier to store and retrieve names and addresses of victims and other pedophiles. Innumerable characteristics of victims and sexual acts can be easily recorded and analyzed. An extensive pornography collection can be cataloged by subject matter. Even fantasy writings and other narrative descriptions can be stored and retrieved for future use.

Many pedophiles communicate with other pedophiles. Now, instead of putting a stamp on a letter or package, they can use their computer to exchange information. Pedophiles can use their computers to locate individuals with similar interests. Like advertisements in "swinger magazines," electronic bulletin boards are used to identify individuals of mutual interest concerning age, gender, and sex-

ual preference. For instance, in the December 1983 issue of the North American Man-Boy Love Association (NAMBLA) bulletin, a member from Michigan proposed that NAMBLA establish its own electronic bulletin board. The pedophile may use an electronic bulletin board to which he has authorized access, or he may illegally enter a system. The pedophile can also set up his own or participate in other surreptitious or underground bulletin boards.

Pedophiles who have turned their child pornography into a profit-making business use computers the same way any business uses them. Lists of customers, dollar amounts of transactions, descriptions of inventory, and so on, can all be recorded on the computer. Police must be alert to the fact that any pedophile with the intelligence, economic means, or employment access might be using a computer in any or all of the above ways.

### **The Role of Law-Enforcement**

During any investigation of child sexual abuse, the possible presence of child pornography and erotica must be explored. For law-enforcement officers, the existence and discovery of a child erotica or child pornography collection can be of invaluable assistance to the investigation of any child sexual abuse case. Obviously, child pornography itself is usually evidence of criminal violations. The ledgers, diaries, letters, books, and souvenirs that are often part of a child erotica collection, however, can also be used as supportive evidence to prove intent and for additional lead information. Names, addresses, and pictures of additional victims; dates and descriptions of sexual activity; names, addresses, phone numbers, and admissions of accomplices and other pedophiles; and descriptions of sexual fantasies, background information, and admissions of the subject are frequently part of a child erotica collection.

Child erotica must be viewed in the context in which it is found. Although many people might have some similar items in their home, it is only the pedophile who collects such material for sexual purposes as part of his seduction of and fantasies about children. Many people have a mail-order catalog in their home, but only a pedophile has albums full of children's

underwear ads he clipped and saved from past catalogs.

Child erotica must also be evaluated in the context in which it is found. The law-enforcement investigator must use good judgment and common sense. Possession of an album filled with pictures of the suspect's own fully dressed children probably has no significance. Possession of fifteen albums filled with pictures of fully dressed children unrelated to the suspect probably has significance. Possession of his own children's underwear in their dresser probably is normal. Possession of a suitcase full of little girl's underwear probably is suspicious. Possession of a few books about child development or sex education on a bookshelf probably has no significance. Possession of dozens of such books together in a box probably is significant.

Most people have photographs of children somewhere in their homes, and many people also possess photographs of naked children. Under most state statutes and the current federal law, pictures of children portraying simple nudity are not generally considered sexually explicit or obscene. The federal law requires at least "lascivious exhibition of the genitals or pubic area" to be considered sexually explicit and therefore to constitute child pornography. How then can an investigator evaluate the possible significance of nude and non-sexually explicit photographs of children found during a search in the possession of a suspected offender?

The following criteria are offered for the evaluation of such photographs. As used here, the term *photograph* includes any visual depiction (negatives, prints, slides, movies, videotapes).

**How They Were Produced** Pedophiles are more likely to use trickery, bribery, or seduction to take their photographs of children. They sometimes photograph children under false pretenses, such as leading them or their parents to believe that modeling or acting jobs might result. Some offenders even hide and surreptitiously photograph children. One pedophile hid above the ceiling of a boys' locker room and photographed boys through a moved ceiling tile. Many pedophiles even collect pho-

tographs of children who are complete strangers to them. They take these pictures at swimming meets, wrestling matches, child beauty pageants, parks, parades, rock concerts, and other events open to the public. These photographs are usually of children of a certain age and gender.

Pedophiles are also more likely to take and possess photographs that focus on certain parts of a child's anatomy of particular sexual interest to a certain offender. In some photographs the children may be involved in strange or bizarre behavior, such as pretending to be dead or simulating unusual sex acts. In one case, a pedophile photographed young boys with painted bondage-like markings on their bodies. If commercially produced, the way the photographs were advertised is important in evaluating their significance.

Investigators should make every effort to determine the circumstances under which recovered photographs were taken in order to evaluate their investigative significance as child erotica. The sequence in which the photographs were taken, which can sometimes be determined from the negatives, can be an important part of the evaluation. Recovered videotapes must be listened to as well as observed to evaluate their significance.

**How They Were Saved** Volume is a significant factor here. Pedophiles are more likely to have large numbers of photographs of children. One pedophile had 27 large photo albums filled with pictures of children partially or fully dressed. They are more likely to have their photographs carefully organized and cataloged and mounted in binders or albums. These may be photographs they cut out of magazines, catalogs, or newspapers. Sometimes sexually explicit captions are written above or below the pictures.

Photographs are frequently marked with the children's names and ages and the dates taken. Sometimes they are also marked with the children's addresses, physical descriptions, and even the sexual acts they performed. Most people who have photographs of their naked children or grandchildren save them as a small part of a wide collection. The pedophile who collects photographs of children is more likely

to have hundreds of such photographs together, and all the children portrayed will be of the same general age. There will be few, if any, photographs of these same children when they are older. The pedophile offender is also more likely to have enlargements or carefully arranged groupings of these photographs—even arranged on the wall as a kind of shrine to children. Some material may be placed where child victims will have easy access to it.

Investigators should carefully document the context in which such recovered photographs were maintained by the offender. Prosecutors must ensure that jurors understand that the pedophile's collection of photographs of naked children is not an ordinary one.

**How They Were Used** Pedophiles often use these photographs to help seduce and lower the inhibitions of children. Pictures of naked children could be used to convince children to remove their clothing. Investigators should attempt to determine how the offender used such material in his interaction with children. In addition, investigators should attempt to determine if the offender sold or traded this material.

Few police officers would ignore or fail to seize sexually explicit child pornography found during a search. But, over and over again, officers ignore and leave behind the child erotica. Although not as significant or damaging as child pornography, child erotica is valuable evidence of intent and a source of valuable intelligence information. The finding of child erotica might also influence bail, a guilty plea, and the sentence eventually imposed.

The investigative experience of many law-enforcement officers dealing with pornography is often limited to commercial pornography distributed by individuals motivated by monetary profit. The direct connection between the pornography and the sex crimes is rarely a factor in these kinds of cases. In an investigation narrowly focused only on the pornography or obscenity violations, officers might have legal problems justifying the seizure of child erotica (pedophile paraphernalia) found when executing a search warrant or consent to search. In an investigation more broadly focused on child pornography and its role in the sexual exploita-

tion of children by child molesters, however, officers should recognize the evidentiary value of child erotica. If the facts of the case justify it, this relationship between child pornography and the sexual exploitation of children should always be set forth in the affidavit for a search warrant. Both the child pornography and the child erotica should be seized as evidence when found in such cases. Child pornographers are usually child molesters. The photograph of a fully dressed child may not be evidence of an obscenity violation, but it could be evidence of an offender's sexual involvement with children. If there is doubt about the legality of the seizure of child erotica, the presence of such material should be noted and, if possible, it should be photographed or videotaped (without sound).

Every effort should be made to attempt to identify the children, even those fully dressed, in photographs or videotapes found in the possession of a pedophile. This is especially true if these items appear to have been produced by the offender himself. Each of these children is

a potential victim of sexual abuse. This identification must be done discreetly in order to avoid potential public embarrassment to the children, whether or not they were victimized. Sometimes the pedophile makes the identification unbelievably easy by labeling his photographs with names, descriptions, addresses, dates, and even sex acts performed.

Possession of numerous books, magazines, articles, or newspaper clippings about the sexual development and abuse of children or about pedophilia in general can be used as evidence of intent at a subsequent trial. It is very difficult to disprove the claim of a wrestling coach that his touching was legitimate athletic training or the claim of a teacher that his or her touching was normal healthy affection. This difficult task can be made easier if police have seized a child erotica collection that includes items such as a diary or fantasy writings describing the sexual stimulation experienced when touching a child to demonstrate a wrestling hold or when fondling a student.

## 6. After Identification

When a child molestation case is uncovered and an offender identified, there are certain fairly predictable reactions by the child molester. This is especially true of the Preferential Child Molester (pedophile). Knowledge and anticipation of these reactions will help the investigation and prosecution of such difficult cases.

### The Pedophile's Defenses

**Denial** Usually the first reaction of a child molester to discovery will be complete denial. The offender may act shocked, surprised, or even indignant about an allegation of sexual activity with children. He may claim to know nothing about it or that he does not remember. He might admit to an act but deny the intent was sexual gratification: "Is it a crime to hug a child?" He may imply that his actions were misunderstood, and a mistake has been made. His denial may be aided by relatives, friends, neighbors, and coworkers. These associates may be uncooperative and may even hinder police investigation of the offender. In any case, the investigator should anticipate and not be thrown off by strong initial denial by a suspect.

**Minimization** If the evidence against him rules out total denial, the offender may attempt to minimize what he has done, both in quantity and quality. He might claim that it happened on one or two isolated occasions or that he only touched or caressed the victim. He may be knowledgeable about the law and might admit to acts that he knows are lesser offenses or misdemeanors. It is important to recognize that even seemingly cooperative victims may also minimize the quantity and quality of acts. If a certain act was performed 30 times, the victim might claim it happened only 5 times, and the offender might claim it hap-

pened only once or twice. A victim may admit to having sex but not to receiving money for sex or may admit to receiving oral sex but not to giving it. Victims sometimes deny certain sexual acts in spite of photographs showing otherwise. Adolescent boys, in particular, may deny or minimize their victimization.

**Justification** A child molester typically attempts to justify his behavior to the police. He might claim that he cares for the children more than the children's parents do and that what he does is beneficial to the child. If he is the father of the victim, he might claim the child is better off learning about sex from him. In other cases he might claim he has been under tremendous stress or has a drinking problem. He might claim he did not know how old a certain victim was.

His efforts to justify his behavior usually center around blaming the victim. This is the single most common rationalization of all pedophiles. The offender may claim he was seduced by the victim, that the victim initiated the sexual activity, or that the victim is promiscuous or even a prostitute. In a few cases, it might even be true. But such a justification has no meaning. A crime has still been committed.

**Fabrication** Some of the more clever child molesters come up with ingenious stories to explain their behavior. One offender, a doctor, claimed he was doing research on male youth prostitution. A professor claimed he was doing research on pedophilia and collecting and distributing child pornography for scientific research. A teacher said that his students had such a desperate need for attention and affection that they practically threw themselves at him and misunderstood his affection and response as sexual advances. Many incest offenders claim to be providing sex education for

their children. In another case, a nursery school operator, who had taken and collected thousands of nude and seminude photographs of young children in his care, claimed they were not for sexual purposes; he simply admired the anatomy of children. Another offender claimed his sadomasochistic photos of children were part of a child discipline program. One offender claimed the children made a sexually explicit videotape without his knowledge and that he had kept it only to show their parents. Another offender claimed he was merely keeping the child warm in his bed on a cold night. These stories work particularly well when the child molester is a professional, such as a teacher, doctor or, especially, a therapist. The investigator and prosecutor must be prepared to confront such stories and attempt to disprove them. Finding child pornography or erotica in the possession of the offender is one effective way to do this.

**Mental Illness** When other tactics fail, the child molester may feign mental illness. It is interesting to note that few child molesters admit mental illness until after they are identified or arrested or until other tactics fail. If, as previously discussed, all pedophiles are not necessarily child molesters, then pedophilia alone cannot be the cause of their child molesting.

Of course, if the child molester is truly mentally ill, he needs treatment and not a jail term. This book will not attempt to debate whether or not pedophilia is a mental disorder that legally alters criminal responsibility for behavior. If the behavior of a child molester is considered the result of a mental illness, however, then it must out of necessity be treated as a "contagious" disease that is, at best, difficult to cure. The seriousness of the offenses and the effectiveness of any proposed treatment must be carefully evaluated by the court. Treatment and punishment are not mutually exclusive.

**Sympathy** Pedophiles may resort to a "nice guy defense." In this defense, the offender expresses deep regret and attempts to show he is a pillar of the community, a devoted family man, a military veteran, a church leader, non-violent, without prior arrests, and a victim of many personal problems. In view of the fact that many people still believe in the myth that

child molesters are "strangers" or misfits of society, this tactic can unfortunately be effective. Many traits introduced by the offender as evidence of his good character (*i.e.*, dedication to children, volunteer work, etc.) in fact contribute to his ability to access and seduce children.

**Attack** It is important not to overlook this reaction of the identified child molester. It can be used many times during the investigation or prosecution. This reaction consists of attacking or going on the offensive. The pedophile may harass, threaten, or bribe victims and witnesses; attack the reputation and personal life of the investigating officer; attack the motives of the prosecutor; claim the case is selective prosecution; raise issues such as gay rights if the child victim is the same sex as the offender; and enlist the active support of groups and organizations.

The police investigator also must consider the possibility of physical violence. It would be a terrible mistake for any police investigator or prosecutor to think that all child molesters are passive people who are easily intimidated. The author is aware of at least two cases in which the arrested child molester was a survivalist with a massive arsenal of weapons and explosives. In addition, there are cases in which child molesters murdered their victims, including their own children, to keep them from disclosing the sexual abuse. Two different child molesters who had each killed several of their child victims stated that the only way that society could have prevented the murders would have been to legalize sex between adults and children. They claimed that they killed their victims only to avoid identification. In another case, a child molester killed the mother of his victim when she tried to end his relationship with her son.

**Guilty, but Not Guilty** The offender will often try to make a deal in order to avoid a public trial. Although this results in the highly desirable objective of avoiding child victim testimony, the unfortunate aspect of this is that the offender is often allowed to plead, in essence, "guilty, but not guilty." This sometimes involves a plea of *nolo contendere* to avoid civil liability. The offender may make public statements that he is pleading guilty because he

does not want to put the children through the trauma of having to testify or because he has no more money to defend himself. This problem is compounded by the fact that it is possible, under the provisions of a U.S. Supreme Court decision (*North Carolina v. Alford*, 400 U.S. 25, 1970) to plead guilty to a charge while at the same time not acknowledging that you committed the crime. In some cases, offenders claimed they pleaded guilty because they knew a jury would convict them, but they "could not remember committing the crime." Although it is understandable why a prosecutor might accept such a plea in some cases, its use prevents the offender from having to accept public responsibility for his behavior. He is able to plead "guilty, but not guilty"—further confusing the child victim as to who is guilty and innocent. Another variation of this is that the child molester pleads not guilty by reason of insanity. If state insanity criteria allow it, he will claim he knew his acts were wrong, but he lacked the ability to conform his behavior to the law. The judge and jury will then be given the difficult task of differentiating between an irresistible impulse and an impulse not resisted.

**After Conviction** After being convicted and sentenced to incarceration, some pedophiles may exhibit another reaction. This involves asking to speak to law-enforcement investigators and claiming to have important informa-

tion about more serious offenses against children. They might claim to know about organized child sex rings, child pornography, child prostitution, abduction of children, or child murders. Although this reaction is not as common as the others discussed here, there are numerous cases in which this has happened. In many of these cases, the information furnished has turned out to be exaggerated, distorted, or patently false. Investigators have no choice but to investigate and check out such allegations because they might be partially or totally true. Investigators, however, must be skeptical and cautious in their response. Such stories should be carefully evaluated and assessed, and investigators should consider an early use of the polygraph by an examiner experienced in interviewing child molesters.

**Suicide** One other reaction should also be anticipated in certain cases. An offender, especially from a middle-class background and with no or one prior arrest, should be considered a high suicide risk at any time after arrest or conviction. The law-enforcement investigator should be prepared to be blamed for the offender's death.

A wide variety of criminals may react in similar ways when their activity is discovered or investigated. The reactions described above, however, have been seen in child molesters time and time again, particularly in Preferential Child Molesters.

## 7. Investigative Difficulties

The author has observed four major problems that make the investigation of child sexual abuse and exploitation difficult for the law-enforcement officers and the criminal justice system. Some of these investigative difficulties are not unique to child sexual abuse cases, but only their impact on and relevance to such cases will be discussed here.

### The Ideal Victim

Children in general have certain characteristics that make them ideal victims from the *offender's* point of view. Some of these characteristics are listed below.

**Naturally Curious** Children have a natural curiosity about the world around them. As they grow older, they become increasingly curious about sex. For most children sex is a taboo subject about which they receive little accurate information, especially from their parents. This natural curiosity and the lack of available information can be easily exploited by a clever child molester to lower children's inhibitions and gradually seduce them into sexual activity.

**Easily Led by Adults** Many parents specifically instruct their children to respect and obey adults. Children are aware that their very survival depends on these powerful adults. In addition to fulfilling the physical and emotional needs of children, adults are bigger and stronger. Any adult child molester can simply exploit his or her size and adult status to influence and control a child's behavior. Some child molesters exploit their status as stepfathers, guardians, Big Brothers, or scout leaders to entice children into sexual activity. Child molesters who do not have this added adult authority sometimes impersonate such individuals, claiming to be police officers, ministers, and so on, when they are not.

**Need for Attention and Affection** This is by far the most significant characteristic of children that makes them ideal victims, especially for the seduction child molester. Even when they are getting attention and affection at home, children still crave and need it from others in their life. Although all children are at risk from such seduction techniques, it seems that the child from a broken home, who is the victim of emotional neglect, or who has strong feelings of alienation is most vulnerable. Many victims get to the point where they are willing to trade sex for the attention and affection they get from some child molesters. It is sad but true that in many ways some child molesters treat their victims better than the victim's own parents do. The seduction child molester exploits the child's need for attention and affection to his advantage. The child molester is usually willing to supply all this attention and affection only as long as the child meets his age preferences, however. When the child gets too "old," the attention and affection usually turn to neglect and rejection.

Recently reported statistics indicate that large numbers of children are being raised in single parent families. This is an ideal situation for the seduction child molester. Many parents are not only *not* suspicious of adults who want to spend time with their children, they welcome them. But parents should at least be suspicious of individuals who want to be together with their children for long periods of time.

**Need to Defy Parents** Many children, especially when they reach adolescence, go through a rebellious period. This can be exploited by the child molester to his advantage. Any child who is victimized as a result of disobeying parental guidelines will be reluctant to admit their error. This is especially true of adolescent boys.

**Children as Witnesses** Many children are not believed when they report being sexually abused and may be subject to harassment in court. The truth is that children are not poor witnesses. Neither are they ideal witnesses. Although child witnesses have many of the same traits as adult witnesses, the criminal justice system must make special allowances for the developmental stages of children. Information furnished by children must be evaluated and assessed like the information furnished by any other victim or witness. If possible, as an early step in this assessment, consideration should be given to having a young child victim or witness evaluated by a mental health professional in order to determine the child's developmental progress. This information can be of assistance in evaluating the information and details furnished by the child. This is not always possible or practical, however.

It has been the author's experience that children rarely deliberately lie about sexual abuse, but they can misperceive events. Children can be confused, tricked, or even drugged by offenders. In today's modern society, even very young children can learn about sex, including bizarre and unusual acts, from peers, television, videotapes, magazines, observation of adults around them, and even from well-meaning safety programs. Children can be easily influenced by untrained or overzealous interviewers, including parents, therapists, social workers, and police.

### Isolation of Affect

Almost anyone in regular contact with the undesirable aspects of human nature may unconsciously employ the defense mechanism known as "isolation of affect." Law-enforcement certainly falls into this category of occupations. Police officers quickly learn to hide their emotions.

Any police officer assigned to the investigation of child sexual abuse should be a volunteer who has been carefully *selected* and *trained* in this highly specialized work. This kind of work is not for everyone. Each officer must decide for himself if he can deal with this type of work. Just as important, the officers working these cases must continually monitor them-

selves. This is "toxic" work, and each individual has a tolerance level.

Police officers investigating child sexual abuse and exploitation must also learn to cope with the stigma within law-enforcement attached to sex crime and vice investigation. Because there is so much ignorance about sex in general and deviant sexual behavior specifically, fellow officers frequently joke about sex crime and vice investigators. For officers working child sexual abuse cases, especially in medium or small departments, it is even worse. They frequently become isolated from their peer group because their fellow officers do not want to hear about child molesters and child pornography. This is a problem that supervisors as well as individual officers must recognize and deal with. One investigator wrote the author that trying to talk to his superiors about the nature and scope of this problem (sexual exploitation of children) was like trying to convince the Air Force of the existence of UFOs.

An officer who gets too emotionally involved in a case is more likely to make mistakes and errors in judgment. He may wind up losing a case and allowing a child molester to go free because he "violated his rights" in some way. He is also less likely to interview and assess a child victim objectively.

### What Constitutes Sexual Activity?

Any officer who has investigated child sexual abuse cases knows this is not an easy question. Is hugging a child a sexual act? Is kissing a child a sexual act? Is appearing naked in front of a child a sexual act? The answer to these questions is that it depends on the *intent* of the individual performing these acts.

Very often the child victim is the most valuable source of information concerning intent. The victim knows or can "feel" the difference between hugging and fondling, affectionate kissing and passionate kissing, accidental nudity and indecent exposure. Proving it in court can still be difficult. Especially in incest cases, many offenders will attempt to claim such acts constitute an acceptable, and even desirable, interaction with children.

Even seemingly obvious sexual acts such as

oral-genital contact or oral-breast contact can be confusing, especially when the offender is a female. Is it a sexual act for a mother to have her six-month-old baby suck on her breasts? At what age is it unacceptable or possibly a sexual act? At two years old? At five years old?

Child molesters frequently engage in acts that are behaviorally, if not legally, sexual acts. Seemingly normal acts, such as photographing children, touching children, wrestling with children, or even looking at children, can be sexual acts for some individuals. More bizarre acts could also be considered sexual acts. In one case, an offender got sexual gratification from photographing children pretending they were dead after a make-believe game of cops and robbers. One offender admitted "molesting" sixty children but stated that the figure did not include the thousands of children he merely "touched" for sexual gratification.

### **Societal Attitudes**

What is society's attitude toward the sexual abuse of children? Most people would probably respond that American society views child molesting as a serious, horrible crime. Even other criminals detest child molesters.

There are, however, several organizations in this country and around the world that openly voice a far different attitude about adult sex with children. The Rene Guyon Society, the North American Man-Boy Love Association (NAMBLA), the Pedophile Information Exchange (PIE), the Child Sensuality Circle, the Pedo-Alert Network (PAN), and the Lewis Carroll Collector's Guild are all examples of groups that openly advocate adult-child sex and changing the laws that make it a crime. These groups usually restrict their advocacy to "consenting" sexual activity with children, and claim to be opposed to forced sex with children.

In spite of the attention that many of these organizations have received in the past, it is

doubtful that they have had any significant impact on American public opinion in general. Their greatest threat to society is as a source of support and validation for child molesters and pedophiles. These groups and the material they publish help child molesters to justify their behavior. Many pedophiles are openly proud of their behavior.

In fact, some academics, mental health professionals, and sexologists express very similar views. These so-called "experts" on human sexual behavior sometimes equate the existing laws that prohibit sex with children with laws that prohibit masturbation, fornication, and homosexuality. They advocate changing the laws so that children can choose their sexual partners freely, but under the guise of children's rights and freedom. Investigators need to be aware that these "experts" frequently testify at the trials of child molesters or child pornographers.

Also, police investigators must be prepared to deal with the fact that the identification, investigation, and prosecution of many child molesters may not be welcomed by their communities—especially if the molester is a prominent citizen. Citizens may protest, and community organizations may rally to the support of the offender and even attack the victims. City officials may apply pressure to halt or cover up the investigation.

The final frustration for the police officer often comes in the sentencing of a convicted child molester. There are serious sex offenses, such as murder, torture, and sadistic rape, that are generally dealt with severely by the criminal justice system. And there are nuisance sex offenses, such as indecent exposure and window peeping, that are generally dealt with lightly by the criminal justice system. The problem is that the nonviolent sexual abuse of children is more often dealt with as a nuisance offense. The bottom line is that society condemns child molestation in the abstract, but how it responds to individual cases depends on the particular circumstances and the molester's position in the community.





FIRST  
RESPONDER





# FIRST RESPONDER

## EXCESSIVE HEAT

Emergencies can be brought about by exposure to too much heat. Moist heat usually tires individuals very quickly. This fact often prevents more people from harming their bodies. Some people, however, continue to push themselves, running the risk of placing their bodies in a state of emergency.

Dry heat can often fool individuals, causing them to continue work or exposure far beyond the point that can be accepted by their bodies. Often, for this reason, the problems caused by dry heat exposure are far worse than those seen in moist heat exposure.

When dealing with problems created by exposure to excessive heat, keep in mind that you must do patient surveys and interviews. Collapse due to heat exposure may break bones. A history of blood pressure, heart, or lung problems may have quickened the effects of heat exposure. What may appear to be a problem related to heat exposure could be a heart attack. Always consider the problem to be greater if the patient is a child, elderly, injured, or has a chronic disease.

### *Heat Cramps*

The problem of heat cramps is brought about by long exposure to heat. The amount of heat does not have to be that much greater than what you would consider to be a "normal" environmental temperature. The individual sweats, often drinking large quantities of water. As the sweating continues, salts are lost by the body, bringing on painful muscle cramps.

The signs and symptoms of heat cramps are:

- Severe muscle cramps, usually in the legs and the abdomen
- Exhaustion, often to the point of collapse
- Sometimes dizziness or periods of faintness

The emergency care procedures for heat cramps include:

1. Move the patient to a nearby cool place.
2. Give salted water to drink, prepared by adding one teaspoon of salt to one quart of water. The muscle cramps should ease shortly after the patient drinks this salted water. Salt tablets (as found at many industrial

sites) may be given with several glasses of water in place of the salted water described above.

3. Help ease the patient's cramps by massaging the cramped muscles. You will be more effective if you massage with pressure rather than light rubbing actions.
4. Warm moist towels applied to the patient's forehead and over the cramped muscles provide added relief for some patients.
5. If the cramps do not go away, or if more serious signs and symptoms begin to develop, alert the EMS System.

NOTE: The author and many EMS personnel believe you should alert the EMS System for all cases of possible heat cramps. As soon as you arrive at the scene, have someone phone the EMS System.

### **Heat Exhaustion**

The typical heat exhaustion patient is a healthy individual who has been exposed to excessive heat while working or exercising. The circulatory system of the patient begins to fail as blood collects near the skin in an effort to rid the body of excess heat. This problem is often seen with firefighters, construction workers, dock workers, and those employed in poorly ventilated warehouses. Obviously, heat exhaustion is more of a problem during the summer.

**The signs and symptoms of heat exhaustion are:**

- Rapid and shallow breathing
- Weak pulse
- Cold and clammy skin, with heavy perspiration
- Total body weakness
- Dizziness, sometimes leading to unconsciousness

**To care for a patient having heat exhaustion, you should:**

1. Move the patient to a nearby cool place.
2. Keep the patient at rest.
3. Remove as much of the patient's clothing as is necessary to cool the patient without causing him to become chilled.
4. Fan the patient's skin.
5. Give the patient salted water (one teaspoon of salt to one quart of water). DO NOT try to administer fluids to an unconscious patient.
6. Treat for shock but do not cover the patient to the point of overheating.
7. Alert the EMS System if the patient is unconscious, fails to recover rapidly, has other injuries, or has a history of medical problems.

NOTE: The author and many EMS personnel believe you should alert the EMS System for all cases of heat exhaustion. As soon as you arrive at the scene, have someone phone the EMS System.

### **Heat Stroke**

When a person is exposed to excessive heat and stops sweating, heat stroke will follow shortly. More cases of heat stroke are reported on hot, humid days. However, many cases occur from exposure to dry heat. This condition is a TRUE EMERGENCY, requiring transport to a medical facility. Do not be fooled by the fact that some people call heat stroke by the name of sunstroke. Heat stroke can be caused by excessive heat other than exposure to the sun. ALL cases of heat stroke are serious and ALL cases of heat stroke require the patient to be sent, as quickly as possible, to a medical facility.

**The signs and symptoms of heat stroke include:**

- Deep breaths, followed by shallow breathing
- Rapid, strong pulse, followed by a rapid, weak pulse
- DRY, hot skin
- Large (dilated) pupils



A cool place, salted water, and muscle massage are used to care for heat cramps.



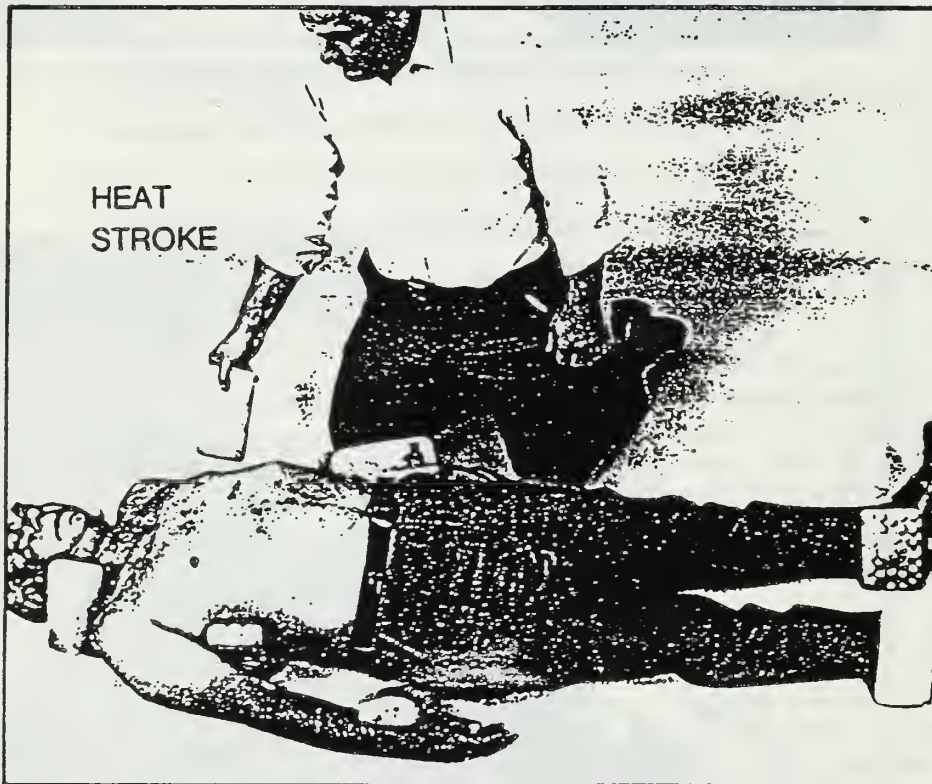
A cool place and salted water are used in caring for the heat exhaustion patient. Cool the patient by removing some of the clothing and by fanning.

- Loss of consciousness—the patient may go into a coma
- Convulsions or muscular twitching may be seen.

**First Aid:** The emergency care for heat stroke includes:

1. Cool the patient—do this in any manner possible and do it rapidly. Move the patient out of the sun or away from the heat source. Remove his clothing and wrap the patient in wet towels and sheets. Pour cold water over these wrappings. The patient's body heat must be lowered rapidly or the brain cells will die!
2. If cold packs or ice bags are available, wrap them and place one bag or pack under each of the patient's armpits, one on each wrist and ankle and one on each side of the patient's neck.
3. Alert the EMS System and arrange for transport **AS SOON AS POSSIBLE**.
4. Should transport be delayed, find a tub or container and immerse the patient up to the neck in cooled water. Use ice, if available, to cool this bath. Even a partial covering of the patient with cooled water will help. Otherwise, keep the patient wrapped and continue to soak him with cool water. Use a low-pressure hose if necessary.
5. Continue to monitor the patient's vital signs.

**NOTE:** If you immerse an unconscious patient, **YOU MUST** maintain 100% monitoring of the patient. Failure to do so could result in the patient drowning.



*In cases of heat stroke, rapidly lower the patient's body temperature. This is a true emergency.*

## **STOP**

### **EXCESSIVE COLD**

If you live in an area where cold weather is never a problem, this part of your First Responder training may be limited. It is a good idea to know a little about treating patients exposed to excessive cold regardless of the area in

which you live. Refrigeration accidents do occur. Your travels may take you through a cold environment where an emergency may take place requiring you to help the local EMS System. Those in First Responder training hope that you will not only be a local First Responder, but that you will be a national First Responder. Should time limitations during training make it necessary for your instructor to limit coverage of excessive cold, continue your own education by reading this section after completing your training.

### **General Cooling**

The general cooling of the human body is known as hypothermia (HI-po-THURM-i-ah). Exposure to cold reduces body heat. With time, the body is unable to maintain its proper internal temperature. If allowed to continue, hypothermia will lead to death.

Hypothermia is becoming a serious problem of the aged. During the winter months, many older citizens attempt to live in rooms which are kept too cool. Failing body systems, poor diets, and a lack of exercise combine with this cold environment to bring about hypothermia.

**121** The signs and symptoms of hypothermia include:

- Shivering
- Feelings of numbness
- Drowsiness and not willing to do even the simplest of activities
- Slow breathing and pulse rates—this is seen in cases of prolonged hypothermia
- Failing eyesight—this is seen in cases of prolonged hypothermia
- Unconsciousness, usually with the patient having a "glassy stare"—this is seen in extreme cases
- Freezing of body parts—this is seen in the most extreme cases. Action taken must be immediately, for the patient may be near death.

**122** The care for hypothermia patients requires you to:

1. Do patient surveys and interviews to determine the extent of the problem.
2. Keep the patient dry.
3. Slowly apply heat to raise the patient's body temperature. Move the patient to a nearby warm environment, if at all possible. Apply heat to the patient's body in the form of heat packs, hot water bottles, electric heating pads, hot air, radiated heat, and your own body heat and that of bystanders. A warm bath is very helpful, but you must guard the patient so that drowning does not occur. Constant monitoring is necessary for all hypothermia patients.
4. If the patient is alert, give warm liquids.
5. Except in the mildest of cases (shivering), alert the EMS System. NEVER allow a patient to remain in or return to the same cold environment. Hypothermia will probably return.

NOTE: You will not be providing much help to patients having general cooling if you simply wrap them in blankets. Their bodies can no longer generate enough heat to make such care useful. External heat sources must be used.

### **Local Cooling—Frostnip**

Frostnip can be brought about by direct contact with a cold object, cold temperatures, the combined effect of cold temperatures and wind (windchill), and the combined effect of cold temperatures and contact with moisture. This condition is not a serious one. Damage to tissues is minor and the response to care is good. As a First Responder, you must never confuse frostnip (incipient frostbite) with frostbite (superficial frostbite) and freezing (deep frostbite).

**123** The signs and symptoms of frostnip include:

- Slow onset—frostnip usually takes some time to develop.
- Unawareness on the part of the patient—most people with frostnip are

NOTE: The severe hypothermia patient will usually be unconscious. This patient should not be rewarmed in the field. Improper warming may cause serious cardiac problems. Wrap the patient in blankets and arrange for immediate transport.

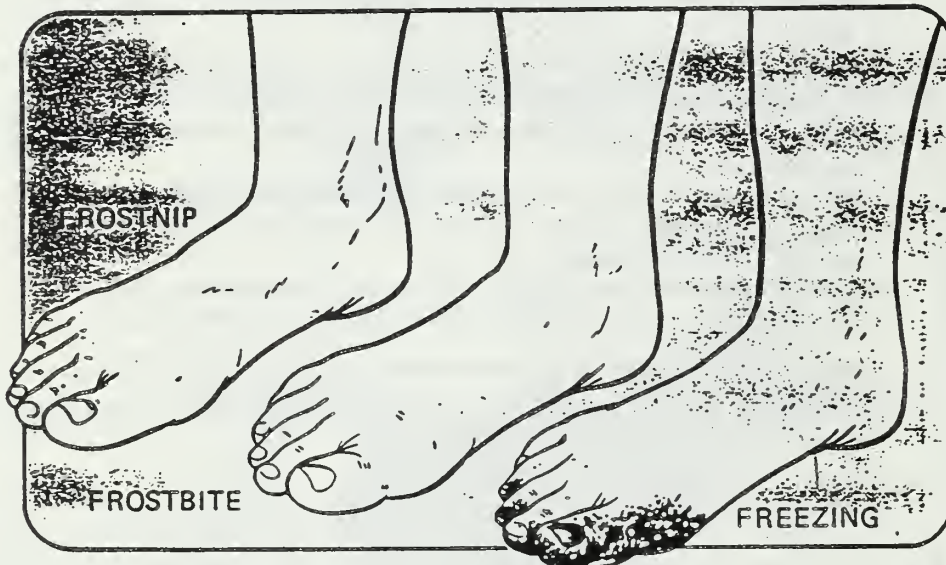
not aware of the problem until someone indicates that there is something unusual about their skin color.

- The area of the skin affected becomes white (blanches)—this color change can take place very quickly.
- The affected area will feel numb to the patient.

The emergency care for frostnip is simple . . . warm the affected area. Have the patient apply warmth from his own bare hands. Blowing warm air on the site of frostnip will help. The patient may find quick relief for frostnipped fingers by placing the hands between the upper arms and chest. If the condition does not respond to this simple care, begin to treat for frostbite. During recovery from frostnip, the patient may complain about "tingling" or burning sensations. This is normal.

#### **Local Cooling—Frostbite**

There are two types of frostbite, superficial and deep. Another term for deep frostbite is freezing. Freezing will be covered later in this chapter. Remember that all cases of frostbite are serious and will require the patient to be taken to a medical facility for completion of care. Transport as soon as possible.



*Exposure to excessive cold —local cooling.*

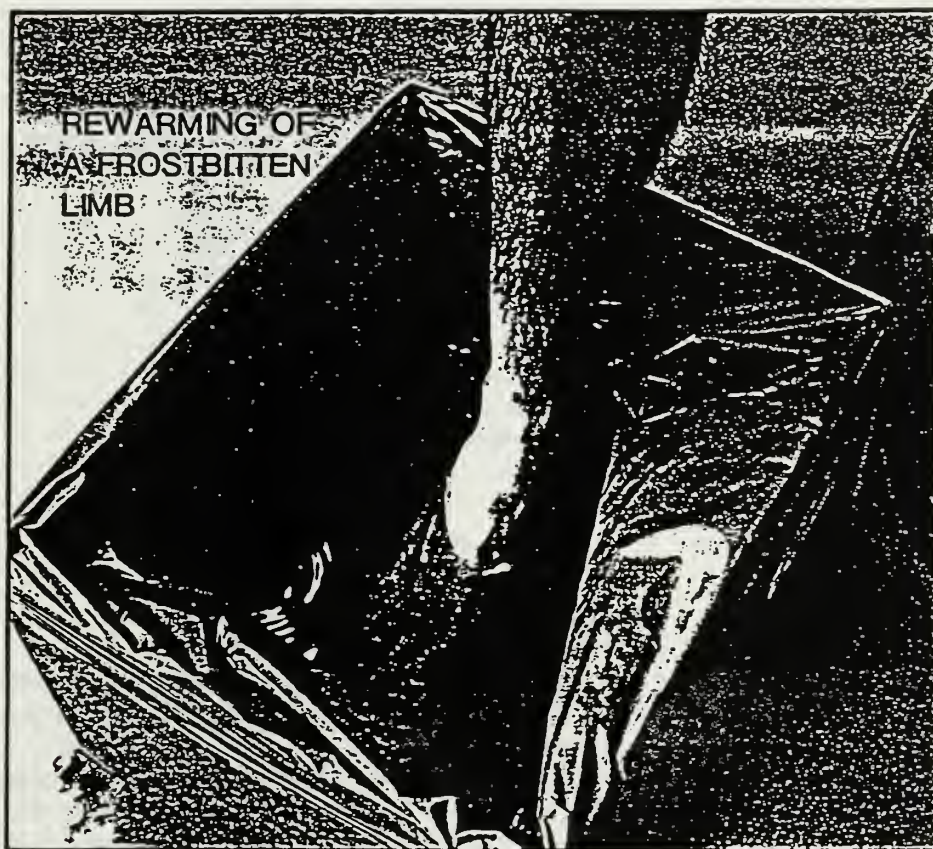
#### **11 The signs and symptoms of superficial frostbite are:**

- The affected area of the skin appears white and waxy.
- The affected area will feel frozen on the surface. The tissue below the surface MUST still be soft and have its normal "bounce." If it also feels frozen, then you are dealing with a case of freezing.

#### **12 To care for superficial frostbite, you must:**

1. Protect the frostbitten area by covering the site of injury and handling the affected part as gently as possible.
2. Apply a steady source of external warmth to the site of injury. NEVER use a heat source that is uncomfortable for you to hold with your bare hand.
3. Arrange for transport to a medical facility or do the above two steps during immediate transport. Your instructor will tell you the policy for your area. If at all possible, keep the patient warm and at rest. Avoid having the patient do any walking if any part of the foot is frostbitten.
4. If transport is delayed, you must rewarm the affected body part. To do so, you will need a container for warming water and a container of proper size to immerse the entire site of injury. Warm some water, but

do not allow this water to become too hot. It must be at a temperature that is warm, but will still allow you to stick your finger into the water without experiencing discomfort (100°F to 105°F). Place the water into the container to be used for immersion. Fully immerse the injured part of the body. Continue to heat water. Remove some cooled water and add warm water to the immersion container. DO NOT allow the water used in treating the patient to become cool. The patient may complain of some pain as the affected area rewarms.



*A plastic bag, supported in a box, can serve as an immersion tank when rewarming a frostbitten limb.*

5. If you complete rewarming the part (it no longer feels frozen and is turning red or blue in color), dry the affected area and apply a clean dressing. Place pads of dressing materials between fingers and toes before dressing hands and feet. Next, cover the site with clothing, towels, blankets, or whatever you have available to keep the affected area warm. Make certain that the entire patient is kept as warm as possible without overheating taking place. Continue to monitor the patient.

#### **Local Cooling—Freezing**

Local freezing, or deep frostbite requires careful handling to avoid further injury to the affected body parts.

**121** The signs and symptoms of freezing include:

- The skin will turn spotted (mottled) or blotchy. Its color will turn to white, then grayish yellow and finally a grayish blue.
- At the site of the freezing, the surface of the skin will feel frozen and the layers of tissue below the surface will also be hard to your touch.

# CHILDBIRTH

## UNDERSTANDING CHILDBIRTH

You may have noted that this chapter is called "Childbirth" and not "Emergency Childbirth." As a culture, we have arrived at the point where any birth away from a hospital delivery room is considered an emergency. This simply is not true. Worldwide, most babies are born away from modern medical facilities. Birth is a natural process. The anatomy of the human female, babies, and the structures formed during pregnancy allow for the process to occur with few immediate problems. Assistance from the medical community reduces the chances of problems for mother and child. However, in most deliveries all this medical skill and equipment is not needed.

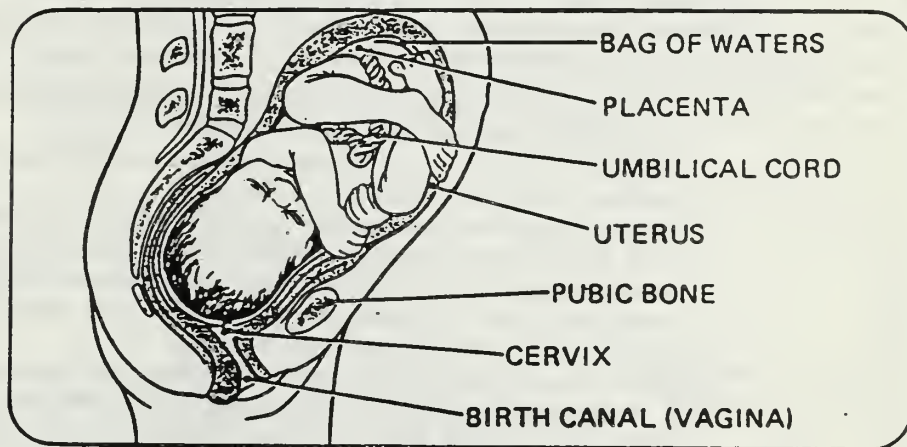
**NOTE:** First Responders do not deliver babies . . . mothers do! Your role will be one of helping the mother as she delivers her child.

### *Anatomy of Pregnancy*

A baby developing and growing inside of its mother is called a fetus (FE-tus). The fetus develops inside of a muscular organ called the womb or uterus (U-ter-us). The uterus will contract during delivery and push the baby down through the neck of the uterus known as the cervix (SUR-viks). During delivery, the fetus passes through the cervix and enters the birth canal or vagina (vah-JI-nah), from which it is carried to the outside world to be born.

The fetus is not the only thing developing inside of the womb. A sac of fluids, sometimes called the "bag of waters" or amniotic (am-ne-OT-ic) sac forms to surround and protect the fetus. This sac usually breaks during labor.

A special organ forms in the womb during pregnancy. This organ, known as the placenta (plah-SEN-tah) is made up of tissues from the mother and tissues from the fetus. Oxygen and nourishment from the mother's blood passes through this organ and enters the fetus's blood. The fetus is connected to the placenta by way of the umbilical (um-BIL-i-kal) cord.



*The structures of pregnancy.*

## **STOP**

### **Stages of Labor**

There are three stages of labor:

1. **First stage**—starts with contractions and ends when the baby enters the birth canal.
2. **Second stage**—covers the time from when the baby is in the birth canal until it is born.
3. **Third stage**—begins when the baby is born until the afterbirth (placenta, umbilical cord, and lining of the uterus) is delivered.

## **DELIVERY**

### **Preparing for Delivery**

Always begin by introducing yourself and letting the mother know that you are a trained First Responder. Have someone alert the EMS System. Let the mother know that this has been done and that you will stay with her to help her if she starts to deliver the baby. Provide emotional support throughout the entire birth process. Remind the mother that birth is a natural process. Suggest, as needed, that she remain calm. If she complains that she feels as if she needs to go to the bathroom, tell her this is normal, caused by pressure on her bladder and intestine. **DO NOT** let her leave the scene in order to find a bathroom. She is not in need of a bathroom. Her body is simply reacting to all the changes taking place in her body cavities.

The mother and onlookers may suggest holding her knees together. This should not be allowed. To do so will slow down delivery and may complicate the process.

**1. Begin to evaluate the mother by:**

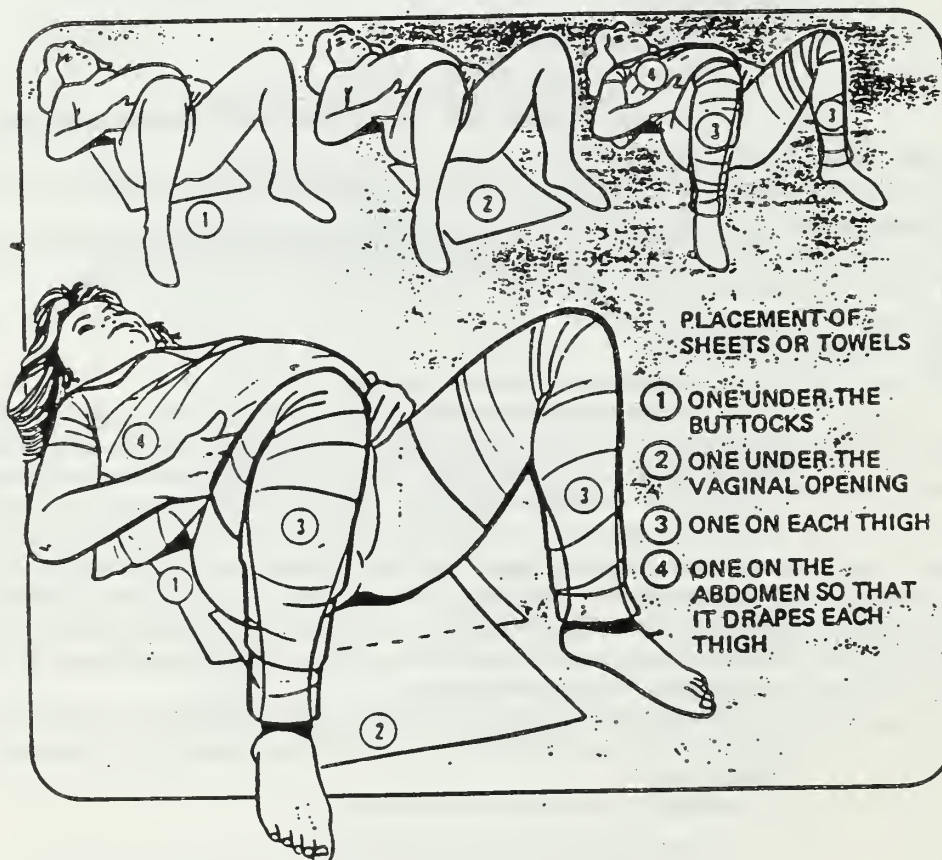
1. Finding out her name and age.
2. Ask her if this is her first pregnancy. If it is, labor usually lasts about 16 hours. The time in labor is considerably shorter for each subsequent baby.

3. Ask her how long she has been having labor pains and if the "bag of waters" has broken.
4. Ask her if she feels strain in her pelvis, if she feels as if she needs to move her bowels, and if she can feel the baby trying to move out through her vaginal opening.

If the mother says she feels the baby trying to be born, birth of the baby will probably occur before more highly trained personnel arrive. If the mother is having labor pains from contractions about 2 minutes apart, birth is very near. Should she also be straining, crying out, and complaining about having to go to the bathroom, birth may occur very shortly.

**12** After evaluating the mother and finding that birth may occur shortly, you must immediately prepare the mother for delivery. To do so, you should:

1. Control the scene so that the mother will have privacy. Ask bystanders to turn their backs and to shield the mother.
2. Have the mother lie down on her back. Her knees should be bent, her feet flat, and her legs spread wide apart.
3. Tell the mother that you need to see if her baby has entered the birth canal. Remove any clothing or underclothing that obstructs your viewing her vaginal opening. Use clean cloth, sheets, towels, or table cloths to cover the mother as shown in Figure 15-2. If you have an obstetrical pack (OB pack), use the materials provided.
4. Look to see if any part of the baby is visible at the vaginal opening. If it is, or if part of the baby's head becomes visible with each contraction, birth is probably near. **DO NOT** assume that birth is not about to happen shortly if the baby is not visible or if the area of the baby seen is "less than a fifty-cent piece." **DO NOT** transport the mother. You should wait for the EMS System to respond.



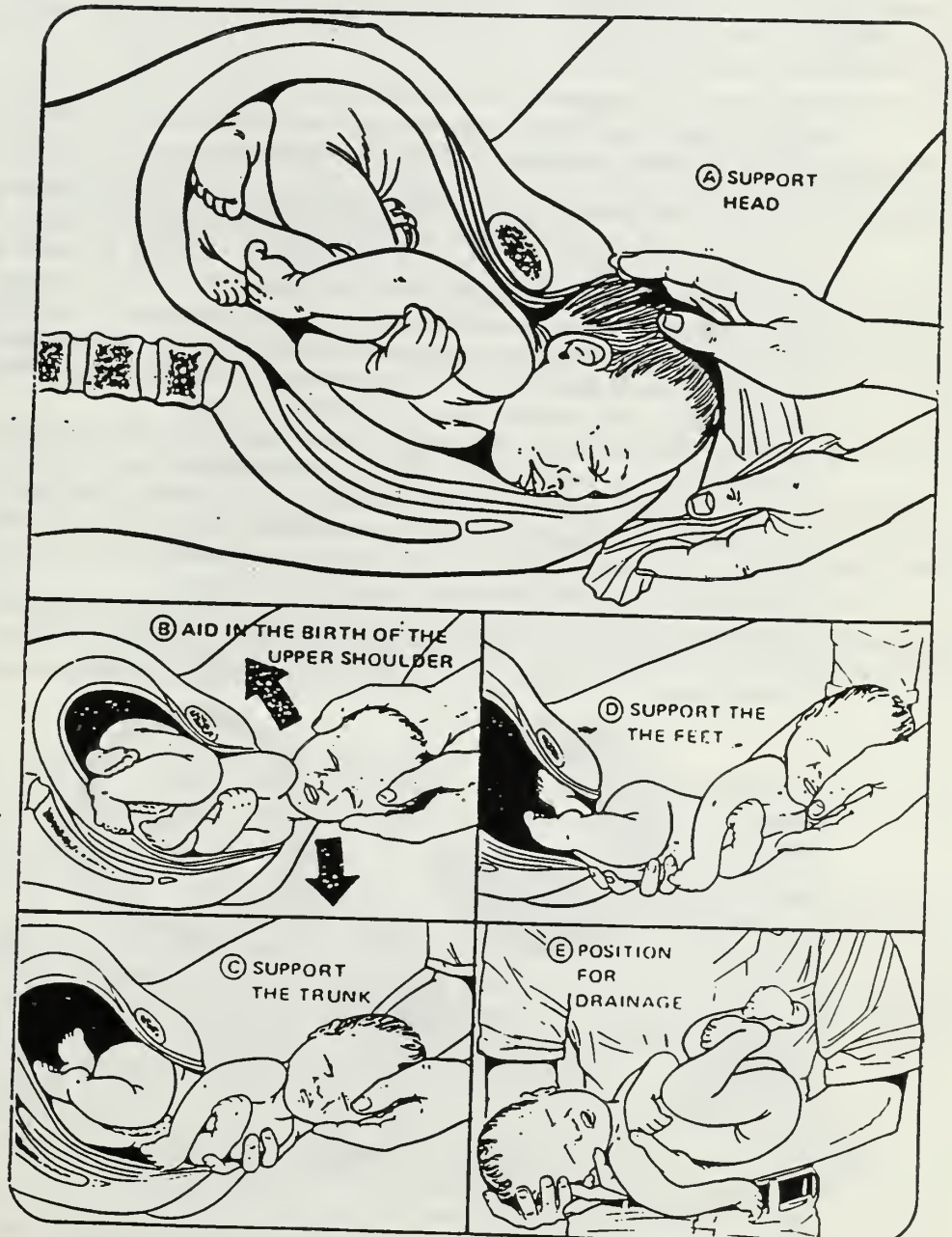
*Preparing the mother for delivery.*

### Normal Delivery

During delivery, talk to the mother. Ask her to relax between contractions. If her "bag of waters" breaks, remind her that this is normal. Consider the delivery to be normal if the baby's head appears first.

**12** The steps for assisting the mother with a normal delivery are:

1. Put on sterile gloves if you have an OB pack, or wash your hands with soap and water if available at the scene.
2. Place someone near the mother's head to turn her head in case she vomits. If no one is on hand to help, be alert for vomiting.
3. Place one hand below the baby's head as it is delivered. Spread your fingers evenly around the baby's head (see Figure 15-3). Support the baby's head, but avoid pressure to the soft areas of the baby's skull. Use your other hand to help cradle the baby's head. **DO NOT PULL ON THE BABY!**



Assist the mother by supporting the baby throughout the entire birth process.

4. If the umbilical cord is wrapped around the baby's neck, gently loosen the cord. If the "bag of waters" does not break, use a clamp (OB kit) or a BLUNT object to puncture the membrane. Do not delay this process. Tear the bag with your fingers, if need be. Pull the membranes away from the baby's mouth and nose.
5. Most babies are born face down and then begin to rotate to the right or left. The upper shoulder (usually with some delay) delivers next, followed quickly by the lower shoulder. You should continue to support the baby throughout this process. If you can gently guide the baby's head downward, you will assist the mother in delivering the baby's upper shoulder.
6. Once the baby's feet are born, lay the baby on its side with its head slightly lowered. This is done to allow blood, fluids, and mucus to drain from the mouth and nose.

**CAUTION:** Babies being born are slippery! Make certain that you offer proper support. Some deliveries are explosive. Do not squeeze the baby, but do provide adequate support.

### **Caring for the Newborn**

Each step in the care of the newborn is essential for the infant's survival. Upon assisting the mother with the delivery of her baby, you should:

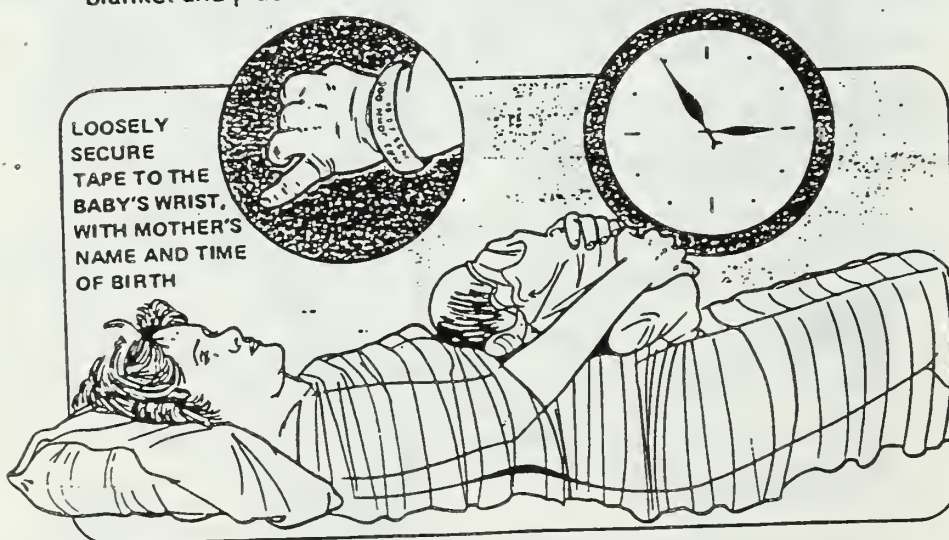
1. Clear the baby's airway—use a sterile gauze pad or a clean handkerchief to clear mucus and blood from around the baby's nose and mouth. If you have an OB kit, use the rubber ball syringe. Squeeze the bulb of the syringe and insert the tip one inch into the baby's mouth. Continue to hold the bulb as you release pressure to allow the syringe to take up fluids from inside the baby's mouth. Remove the tip of the syringe from the baby's mouth and squeeze out any fluids. Repeat this process two or three times and then once for each nostril.
2. Make certain that the baby is breathing—usually the baby will be breathing on its own by the time you clear the airway (within 30 seconds). If it is not, then you must "encourage" the baby to breathe. Snap one of your index fingers against the soles of the baby's feet. DO NOT hold the baby up by its feet and slap its bottom! Care for the nonbreathing infant will be covered later in this chapter.
3. Clamp or tie off the cord (directions will be given later in this chapter).
4. Keep the infant warm—wrap the baby in a clean towel, sheet, or baby blanket and place it on its mother's abdomen. If tape is available, write



Use a sterile pad or a clean handkerchief to clean blood and mucus from around the baby's mouth and nose.



It may be necessary to "encourage" the newborn to breathe.



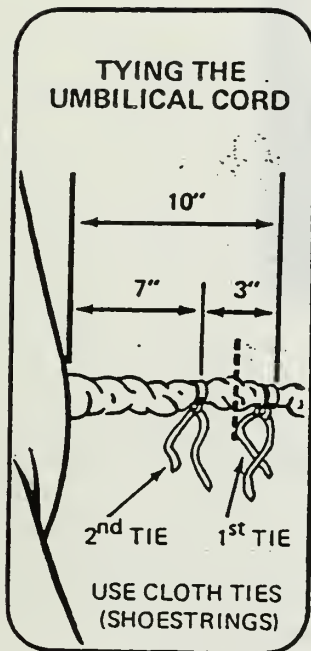
Wrap the baby and place it on its mother's abdomen. Be sure to make a wrist identification tape.

the mother's last name and the time of delivery on a piece of tape. Loosely wrap this around the baby's wrist.

### *The Nonbreathing Infant*

Should you fail in your efforts to "encourage" the baby to breathe, begin mouth-to-mouth and nose resuscitation. If the infant does not start breathing on its own in about two minutes, and you cannot feel a brachial pulse, begin CPR. Continue resuscitation until the infant has heart and lung actions.

Once you have begun resuscitation procedures, transport to a medical facility is critical. If the EMS System is unable to respond, arrange to transport the mother and child as a unit. **DO NOT** stop resuscitation to provide for transport. **DO NOT** clamp and cut the umbilical cord.



*Tying of the cord is recommended in some EMS Systems.*

### *Umbilical Cord Care*

In most cases, if the EMS System has been alerted, clamping or tying off the cord will not be necessary. Some EMS Systems recommend that First Responders tie off the cord. Cutting of the cord is not recommended unless a medical facility is more than thirty minutes away. In such cases, a sterile pair of scissors or single-edged razor blade is required. Soaking these items in alcohol for twenty minutes can be done if no sterile items are available.

Your instructor will tell you if tying off or clamping of the cord is done by First Responders in your area. There may be special cases (cord was around baby's neck during delivery) when First Responders in your area are always to tie the cord. If you are to tie off the cord, then you should:

1. Use sterile clamps or umbilical tape found in the OB kit. If you do not have a kit, then clean shoelaces may be used (never wire or string). Ties should be made using a square knot. It is recommended that you wait until pulsations of the cord have stopped before you begin tying or clamping.
2. Apply one tie or clamp to the cord about 10 inches from the baby's belly button.
3. Place a second tie or clamp about three inches closer to the baby.
4. If cutting is to be done, it must be done between the two ties or clamps. **NEVER** untie or unclamp a cord once it is cut. Should bleeding continue, apply another tie or clamp as close to the original as possible.

**CAUTION:** Never tie, clamp, or cut the cord of a baby who is not breathing on its own, unless the cord has been damaged and there is excessive bleeding.

### *Caring for the Mother*

Care for the mother involves helping her deliver the afterbirth, controlling vaginal bleeding, and making her as comfortable as possible.

### *Delivering the Afterbirth*

The afterbirth is usually delivered a few minutes after the baby is born. In some cases, it may take 20 minutes or longer. You may have to remind some mothers that they still have to deliver the afterbirth.

**Afterbirth must be saved.** It is critical that the afterbirth be examined by a physician. Try to catch the afterbirth in a container. Wrap this container in a towel, paper, or plastic. If no container is available, catch the afterbirth in a towel, paper, or a plastic bag.



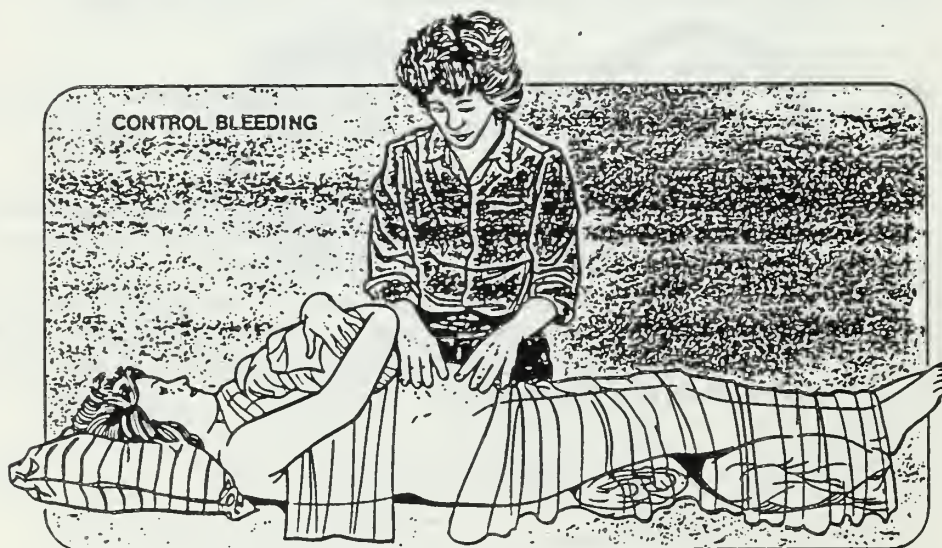
*You must collect and save the afterbirth.*

#### *Control of Vaginal Bleeding After Delivery*

Vaginal bleeding always occurs after the mother has delivered the afterbirth. Seldom is this a problem.

**To control vaginal bleeding after delivery, you should:**

1. Place a sanitary napkin, clean towel, or clean handkerchief over the mother's vaginal opening. **DO NOT** place anything in the vagina.
2. Have the mother lower her legs and keep them together (she does not have to "squeeze" her legs together). Elevate her feet.
3. Feel the mother's abdomen until you find a "grapefruit-size" object. This is her uterus. Gently rub this area of her abdomen, using a circular motion.



*Control vaginal bleeding that follows the delivery of the afterbirth.*

### *Providing Comfort to the Mother*

**121** Keep contact with the mother throughout the entire birth process and after she has delivered. Once you have completed your duties with the after-birth, remove any wet towels or sheets. If possible, wipe and dry the mother's face and hands. Make sure that both she and the baby are warm. When delivery occurs at home, ask a member of the family or a neighbor to help clean up.

Remember, birth is an exciting and joyous event. Talking to the mother and paying attention to her and her new baby is part of First Responder care.

## **STOP**

### **COMPLICATIONS**

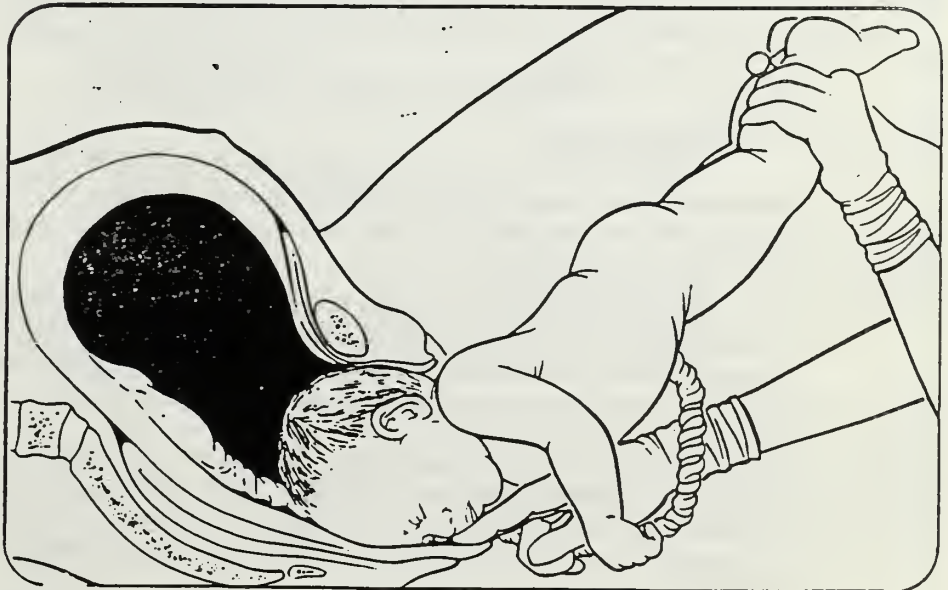
Abnormal deliveries, premature deliveries, multiple births, miscarriages and stillbirths make up some of the more common complications seen when assisting in childbirth. Keep in mind that most births are normal. Many births that produce complications do not have immediate complications occurring at the scene. Some problems with unusual deliveries can be cared for by First Responders. However, there are severe complications which must be handled by life-support and immediate EMS transport to a medical facility.

#### ***Breech Birth***

In a breech birth, the buttocks or both feet (not just one leg) are delivered first. Often, the baby will still manage to be born without any major complications. The buttocks and trunk of the infant will be delivered together, requiring you to place one hand and forearm under the baby's trunk. The head will deliver last, also requiring you to provide support.

**121** In cases where the baby's head does not deliver within THREE MINUTES of its buttocks and trunk, you must:

1. **Create an airway for the baby**—flow through the umbilical cord has been shut off. Tell the mother what you must do and why. Insert your hand into the vagina, with your palm towards the baby's face. Form a "V" by placing one finger on each side of the baby's nose. Push the wall of the birth canal away from the baby's face. If you cannot complete this process, then try to place one finger into the infant's mouth and push away the birth canal wall with your other fingers.
2. **Maintain the airway**—once you have provided an airway for the baby, you must keep this airway open. **DO NOT PULL ON THE BABY.** Allow



*Provide and maintain an airway during breech births.*

delivery to take place, maintaining support for the baby's body and head.

3. Allow three minutes for delivery after you have established an airway. If delivery of the head does not take place, EMS transport to a medical facility is critical. Maintain the airway throughout ALL stages of transport.

NOTE: The presentation of an arm or a leg is not a breech birth. This is a limb presentation and requires immediate EMS transport to a medical facility. DO NOT pull on the limb or try to place your hand into the birth canal.

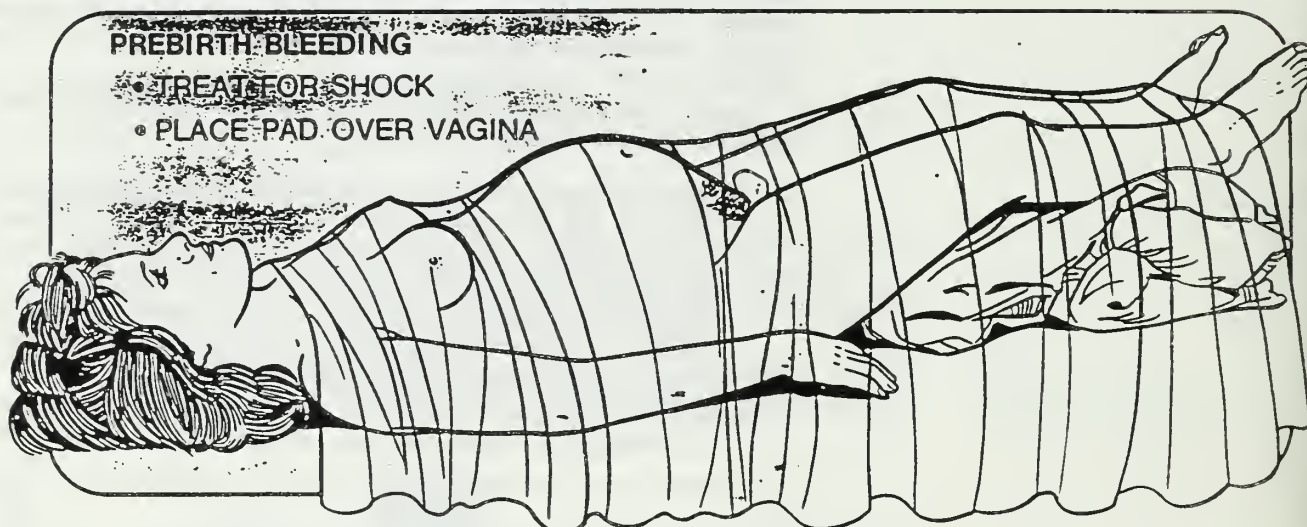
#### *Prolapsed Cord*

When the umbilical cord is born first, this is known as a prolapsed cord. DO NOT try to push the cord back into the birth canal. Do not try to place your hand into the mother's vagina. Immediate EMS transport to a medical facility is required.

#### *Excessive Bleeding—Pre-Birth*

If a woman in labor begins to have excessive bleeding from her vagina, you should:

1. Treat for shock. Do not hold the woman's legs together.
2. Place a sanitary napkin or any sterile or clean pad over the opening of the vagina. Do not place anything in the vagina.
3. Save any blood-soaked pads and all tissues that are passed.
4. Arrange for immediate EMS transport.



Attempt to control excessive pre-birth bleeding.

#### *Multiple Births*

Labor contractions will start again shortly after the birth of the first child. The procedures for assisting the mother remain the same. It is recommended that you tie or clamp the cord of the first child before the second child is born.

#### *Premature Births*

Any baby weighing less than 5-1/2 pounds at birth is to be considered premature. Any baby born before the completion of the seventh month of pregnancy is to be considered premature. If the mother tells you the baby is early, by more than two weeks, play it safe and consider the baby to be premature.

In addition to the procedures for normal births, you must take special steps to keep a premature baby warm. Wrap the newborn in a blanket, sheets, towels, or aluminum foil. A blanket and aluminum foil is ideal. Keep the baby's face uncovered. As quickly as possible, transfer the baby to a warm environment (90°F to 100°F).

### **Miscarriage**

A miscarriage occurs if the fetus is delivered before it can survive on its own (before the 28th week). The correct term for a miscarriage is spontaneous abortion. However, since the word abortion has other meanings in our society, NEVER use the word with women having a miscarriage or premature signs of labor.

**124** When caring for a woman having a miscarriage, you should:

1. Treat for shock.
2. Place a sanitary napkin or other clean pad over the opening to the vagina. DO NOT place anything into the vagina.
3. Save all blood-soaked pads and any tissues that are passed.
4. Provide emotional support.

### **Stillborn Deliveries**

Some infants are born dead or die very quickly after they are born. Such events are very sad. You should be prepared for stillbirths so that you can act professionally, providing comfort to the mother, father, and other members of the family.

Should a baby be born dead or go into respiratory or cardiac arrest, provide resuscitation measures. Do not stop resuscitation until the baby gains back lung or heart and lung activity, until you are relieved, or until you are too exhausted to continue.

There are cases when a baby has died hours or longer before it is born. DO NOT attempt to resuscitate any stillborn baby that has large blisters and a strong unpleasant odor. Sometimes these stillborns will have very soft heads, swollen body parts or obvious deformities.

**STOP**

### **SUMMARY**

You should always begin by letting the mother know you are a First Responder. Make sure that the EMS System has been activated and the mother is made aware of this fact.

Evaluate the mother to see if she is about to deliver. Consider if this is her first labor, how far apart are the contractions, if she feels pressure or feels as if she may have a bowel movement, if her "bag of waters" has broken, or if she feels the baby moving into her vagina.

If you believe that birth will occur shortly, provide the mother with as much privacy as possible, position her on her back, with her knees bent, feet flat and legs spread apart. Remove any clothing or underclothing obstructing your view of the vaginal opening. Look to see if any part of the baby is visible or visible upon contractions.

Assist the mother as she delivers her baby. Carefully support the head of the infant as it is born. Provide support for its entire body and head as birth proceeds.

When you notice the umbilical cord around a baby's neck, gently loosen the cord with your fingers. If the "bag of waters" does not break, puncture it and pull it away from the baby's mouth and nose.

In caring for the newborn, clear the baby's airway and make certain that the baby is breathing. If it is not breathing, "encourage" it to do so by snapping your index finger on the soles of its feet. For nonbreathing babies, you should provide mouth-to-mouth and nose resuscitation for two minutes and then check for breathing and a brachial pulse. If there is no pulse, provide CPR. If there is a pulse but no breathing, continue respiratory resuscitation, monitoring for lung and heart action.

Wrap the newborn and keep it warm.

Your area may require you to tie or clamp the cord. Do not tie, clamp, or cut a cord until the baby is breathing on its own (unless there is profuse bleeding from the cord).

Assist the mother as she delivers the afterbirth and save all tissues for transport. Help control vaginal bleeding with clean pads over her vaginal opening and massage her abdomen over the site of the uterus. Remove all wet towels and sheets. Wipe clean the mother's face and hands.

REMEMBER: Throughout the entire birth process, provide emotional support to the mother.

Be ready for complications during a delivery. Provide an airway with your fingers in cases of breech birth. Maintain this airway until the baby is born or until you turn the mother over to more highly trained professionals. The EMS System should transport mothers with prolapsed umbilical cords, or those with limb presentations, to a medical facility as soon as possible. If there is severe bleeding before delivery, pad the vaginal opening, treat for shock, and transport as soon as possible.

Expect a multiple birth if contractions continue after the first baby is born. When possible, tie or clamp the umbilical cord of the first child before the next child is born.

Keep all premature babies warm.

In cases of miscarriage, be certain to provide emotional support to the mother. Pad her vaginal opening if there is bleeding. Save all blood-soaked pads and any passed tissues. Treat for shock.

In cases of stillborns, remain professional and provide emotional support to the mother, father, and other members of the family.



# UNIT

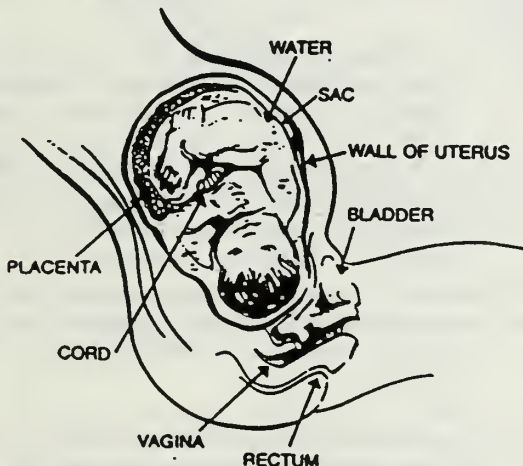
## First Aid



### Emergency Child Birth\*

#### Normal Labor

In preparation for the birth of a baby, the womb, the female organ in which the unborn baby grows, contracts periodically and its opening expands. This process is called labor and normally lasts one to eighteen hours. A woman who is having her first baby usually has a longer labor than a mother who has had other babies. The mother becomes aware of labor by one or more of the following signs: (1) labor pains; (2) pinkish discharge of mucus, a sticky material, sometimes called "show"; (3) a gush or trickle of water which may occur at any time during labor and means that the membranes have broken. (The membranes form the sack or bag containing the fluid which surrounds the baby in the womb.)



#### Labor Pains (Contractions)

Labor pains are caused by contractions of the womb which are nature's way of expelling the baby from the mother's body. When labor starts, the mother usually becomes conscious of these contractions by a dragging sensation or pain which may be felt first in the back, and then in the lower part of the abdomen (belly) and the thighs. At first, the pains may be light and infrequent, perhaps 15 or 20 minutes apart, but they gradually become stronger, last longer, and occur at shorter intervals. As the muscles of the uterus (womb) become hard and then soften, the contractions can be felt by placing a hand on the mother's abdomen, and can be timed with a watch. As

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labor develops, the contractions continue to be regular but come closer and closer together until they occur every two or three minutes apart and last for one to two minutes just before the baby is born.

#### When You Can Help

If no doctor is available, you can help in the birth of a baby by doing the following:

#### During Labor

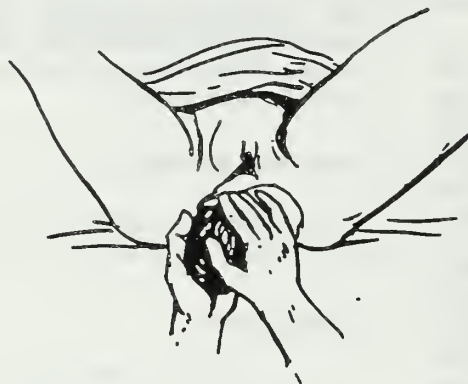
1. If possible, select a clean place for the birth to occur.
2. Reassure the expectant mother. She needs self-confidence. Show assurance yourself whether you feel it or not; keep talking to the patient to convince her that you know what you are doing. Just staying with the mother will help her feel more confident.
3. Allow her to stay in the position in which she is most comfortable—sitting, walking, squatting, or lying down. However, make her lie down if:
  - a. There is a gush of water indicating that the membranes (or sack) have broken.
  - b. The pains or contractions come every four minutes or less—possibly even longer apart for a woman who has had several babies.
  - c. It appears that the baby is about to be born.
4. Keep your hands and the hands of the expectant mother away from the opening to the vagina, through which the baby is born. There is danger of infection from germs on the hands.

#### During Delivery

1. Have the mother lie on her back with her knees bent up toward her abdomen.
2. Place a clean piece of cloth under the mother's hips.
3. Have the mother push during a labor pain only when she has a great urge to push down; have her rest between pains. Explain to her that pushing may give her the feeling that she has to move her bowels but

this feeling is due to pressure from the baby's head. Just before delivery, the contractions will be much longer and stronger. The top of the baby's head can be seen through the opening to the vagina and the head may not go back up between contractions. If the membranes have not already broken, there may be a gush of water when they break. This is normal.

4. Remember to keep your hands away from the opening to the vagina.



5. Make sure that the mother stops pushing as the baby's head emerges in order to prevent tearing the edges of the opening to the vagina. It will be easier for her to stop pushing if she opens her mouth and takes short, quick breaths (like panting).

6. Try not to touch the mother; support the baby's head and body as it is born; let the baby slide onto your arm. Support of the baby in this fashion is especially important if the baby is small.



7. Sometimes a baby is born surrounded by the membranes. As soon as the whole head appears, if the membranes are still around the baby, break them immediately with your fingernail so that the baby will not inhale the fluid. It is usually easier to break the membranes just below the baby's nose because it is less tight there.

8. As the baby's feet come out, take hold of his ankles firmly with one hand. Lift the baby by his ankles using your other hand to support his head as shown in the diagram. You will need to grasp him firmly since he will be very slippery. Holding him like this will get him away from any fluid before he breathes and will let the mucus, present in most babies' mouths at birth, drain from his mouth.



9. After the baby emerges, the cord leads from the baby's abdomen into the vagina to the placenta (or afterbirth) which is still attached to the wall inside the mother. Try not to touch the cord because of the danger of infection from the hands. Do not pull the cord because of the danger of tearing it. A torn cord will bleed and it is hard to stop the bleeding.

10. Usually the baby will cry and breathe within a few seconds after being born. If he does not, you may help to start him breathing by the following methods.

- a. Try to clear the baby's throat of fluid and mucus by placing him on his side, on his mother's abdomen, with his head lower than his feet. With the side of the index finger gently stroke the baby's throat in the center from the bottom of his neck to his chin. Massage the throat in this way five or six times. It is important to get as much mucus out as possible before the baby takes a breath.



- b. Try to make the baby take a breath and cry by gently snapping the bottom of his feet two or three times with your fingers.
  - c. Do not be alarmed about the bluish-grey color of the baby during the first few minutes of life. This is normal and no cause for concern.
11. If the baby does not start breathing within a few seconds, if he seems to have difficulty breathing, and particularly if his color starts getting darker, start rescue breathing at once.

- a. Raise the neck and tilt the head as far back as possible. This helps to open an air passage.
- b. Open your mouth and seal your lips around the baby's mouth and nose.
- c. Blow gently into the baby's mouth. Take a deep breath of fresh air each time between exhalations into baby's mouth. Stop blowing as soon as the chest starts to rise. Continue inflations at least 20 times a minute.



- d. Some of the air blown into the baby's mouth may go into the stomach. This will cause bulging between the ribs and navel. To remove air, press the baby's belly gently.
  - e. When possible, use gravity to prevent fluid from entering the lungs by keeping the head lower than the chest.
12. Once the baby is breathing regularly and well, handle him gently and keep him warm by wrapping him with a clean blanket, robe or whatever there is available. Place him on the mother's abdomen without pulling on the cord. Have somebody keep a hand on the baby to prevent him from falling. The mother may be able to help if you are alone.
- When Medical Assistance Remains Unavailable
- 13. Wait for the placenta or afterbirth to come by itself. Do not pull the cord. It does no good and the cord may break away from the placenta and cause bleeding. It may take fifteen to thirty minutes or more for the placenta to be delivered. You can tell that it has separated from the wall of the womb when the cord moves outward three or four more inches, and there is a sudden gush of about two cups or a pint of blood. Once signs of placental separation appear, the cord may be tugged gently to assist discharge.
  - 14. Support the placenta with your hands as it comes out to prevent pulling on the cord.
  - 15. After the placenta comes out, wrap the baby and the placenta together in the blanket, towel, or robe with which you covered the baby. Then place them in the mother's arms.
  - 16. For an hour after delivery of the placenta hold the uterus by placing your hand on the mother's abdomen. You should feel a large firm mass like a grapefruit if you press your hand deeply into the mother's abdomen between the navel and the hair near the reproductive organs, pressing firmly but not forcibly toward the vagina. The uterus should be firm, which indicates that the muscles have tightened so that the blood vessels are closed off and do not bleed.
  - 17. If the uterus becomes soft and impossible to feel, bleeding may start. When this happens, massage the lower abdomen gently but firmly with a circular motion until you feel that the uterus has become hard again.
  - 18. Sometimes there is a good deal of bleeding no matter what you do. Massage the abdomen whenever necessary to keep the uterus hard as a grapefruit. Lower the mother's head as you would do in a case of shock and keep her warm by using

blankets, coats or anything available. Obtain medical aid as soon as possible.

## Care of the Baby

1. There is no hurry about cutting the baby's cord. Unless the baby needs attention to help him start breathing, it is better to follow delivery by preventing the mother from bleeding by keeping your hand firmly on the mother's abdomen over the uterus to be sure it is hard.
2. The baby's cord should be cut and tied by the police officer only in those cases where conditions prevent delivery of mother and baby to a medical facility within an hour following birth.

To tie and cut the cord:

- a. Whenever possible, scrub your hands.
- b. With one tape, tie a square knot around the cord about four to five inches from the point where it joins the baby. Be sure to tie it tight enough so that the cord won't leak any blood after cutting. However, don't tie it so tight that the tape cuts the cord.



- c. Use a second tape to make a square knot around the cord about an inch or two nearer the placenta.
- d. Cut the cord *between* the two ties.
2. It is possible that in the confusion which may exist during emergency conditions the mother and baby may be separated. For this reason some identifying information must be placed on the baby and mother. On a piece of smooth cloth write with a pen the father's and mother's full name, the date, sex of baby, time and place of baby's birth, and tie it on the ankle or wrist of the baby. Tie it tight enough to stay on but not tight enough to stop circulation.
3. Do not wash the baby. The material which covers the baby at birth is a protection to the skin.

## Later Care of the Baby

1. Keep him wrapped. He needs to be warm.
2. Handle him gently.
3. If the baby has trouble breathing because of mucus, lay him on a firm surface with his head to the side and with his head lower than his feet to help the mucus drain out. If there is a great deal of difficulty in breathing because of mucus, hold the baby up by his ankles with his head down for a short time.

## Later Care of the Mother

1. Make the mother as comfortable as possible.
  - a. Again, wash your hands, then place a clean pad, folded sheet or folded towel about two feet square, under the mother's hips to receive the blood-like discharge from the vagina which will be present for some time after delivery. Change this pad as often as necessary. Commercially prepared sanitary pads may be used if they are available.
2. Have the mother lie quietly on her back for two hours after delivery. Have her rest for a few hours more if possible.

## When a Doctor is Required!

If one or more of the following signs are present, delivery may be especially dangerous or difficult. Every effort should be made to obtain the services of a medical doctor.

1. If the mother has been told by her doctor that she has a serious condition which will require medical care during labor and delivery such as: severe heart disease, diabetes, or too narrow a passage through which the baby is to be born.
2. Convulsions (violent muscular spasms, commonly called fits, spells, or seizures).
3. Excessive bleeding before delivery sudden gush, flow, or continuous trickle of fluid blood or of blood which has clotted (thickened). Normally, during labor, there is a flow or trickle of mucus streaked with blood which does not clot.
4. Severe, continuous abdominal pain in addition to labor pains. Do not confuse with low back pain felt between contractions.
5. Labor pains which continue for more than 18 hours.
6. Excessive continuing bleeding after delivery. Normally there may be a gush of a little over half a pint of blood after delivery of the placenta.

- |   |                        |   |
|---|------------------------|---|
| 7. Symptoms of shock—weak pulse, pale, cold, clammy skin.   | cord                   | — connects placenta to baby's abdomen   |
| 8. Unconsciousness.   | delivery               | — birth of a baby   |
| 9. "Shaking" chills and fever.  | labor                  | — the contractions of the womb and expansion of its opening in preparation for the birth of a baby. |
| 10. Afterbirth (placenta) has not been delivered after one hour following the delivery of the baby. |                        |   |
| 11. If any part of the baby, other than the head appears first at the opening of the vagina.        | membranes (MEM-brains) | — form the sack or bag lining the womb which contains fluid surrounding the baby                    |

### Terms Used in this Unit

abdomen (AB-do-men) — belly

afterbirth — common term for placenta which is a spongy mass attached to wall of womb and connected by cord to baby's abdomen. The placenta grows with the baby in the womb and through it the unborn baby receives nourishment from the mother. Placenta is passed off through vagina about fifteen to thirty minutes after delivery of baby.

antibiotic — medicine to fight infection

bladder — organ in which urine collects

clotted — thickened

contractions — labor pains (see labor)

convulsions — violent muscular spasms, commonly called fits, spells, or seizures

mucus (MEW-kus) — sticky material found in various discharges (such as from the nose)

navel (NA-vel) — scar on the abdomen where the cord was attached

placenta (pla-SEN-ta) — medical term for afterbirth (see definition above)

prematurely — ahead of time of normal birth

sack (sac) — bag lining the womb which contains fluid surrounding the baby

show — discharge from the vagina (see definition below), during labor, of mucus streaked with blood

uterus (YOU-ter-us) — medical term for womb, the female organ in which the unborn baby grows

vagina (va-JY-na) — passage from uterus to outside through which baby is born

womb (woom) — female organ in which the unborn baby grows

BURNS, SMOKE, HEAT, AND COLD

1. Classification of burns:

	<u>FIRST DEGREE</u>	<u>SECOND DEGREE</u>	<u>THIRD DEGREE</u>
Damage to skin	1st layer only	1st & 2nd	all layers
Appearance.	red & minor swelling	Deep red & blisters	Black or dry white
Pain	minor	severe	severe or none at all

2. Treatment for burns:

Minor burns - soak in cold water and cover with dry dressing

Major burns - Cover with clean dressing, wet if sterile water is available, treat for shock

Chemical burns - Flush affected area with water in great amounts

3. Heat injuries:

	<u>HEAT CRAMPS</u>	<u>HEAT EXHAUSTION</u>	<u>HEAT STROKE</u>
Signs & Symptoms	Muscle cramps Exhaustion & dizzy	Cold clammy skin & weak pulse	Dry hot skin & convulsion
Emergency Care	Give salted water	Give salted water	Rapid cooling of patient

4. Cold injuries:

	<u>FROSTNIP</u>	<u>FROSTBITE</u>	<u>FREEZING</u>
Signs & Symptoms	White skin, numbness	White & Waxy Frozen	Grayish blue Frozen
Emergency Care	Warm by patient	External warmth Immerse in warm water.	Same as frostbite

5. Hypothermia is a general cooling of the body - the best care is to rewarm the victim slowly with external heat. Use of blankets is no good since they are unable to generate their own heat.

## BLEEDING AND SHOCK

### 1. Three types of bleeding:

	<u>ARTERIAL</u>	<u>VENOUS</u>	<u>CAPILLARY</u>
Blood Flow	Spurts	Steady	Steady
Color	Bright red	Dark red	Red
Blood Loss	Rapid	Medium	Slow

### 2. Four methods of controlling bleeding:

DIRECT PRESSURE - Most commonly used by First Responders

ELEVATION - Use in combination with direct pressure

PRESSURE POINTS - Three major sites used by First Responders,  
Brachial, Femoral, Carotid

TOURNIQUET - Used only as a last resort

### 3. Significance of Internal Bleeding:

Primary concern to First Responder are cases where blood loss could bring about shock, or death

May be present when no wound is evident or may be away from site of obvious injury.

### 4. Shock and its control:

Signs and Symptoms of Shock:

1. Patient is restless or fearful
2. Pupils are dilated
3. May be unconscious
4. Pulse is rapid
5. Bluish color on lips and ear lobes

Treatment of Shock:

1. Keep patient lying down
2. Keep airway open
3. Keep victim warm
4. Elevate the lower extremities

### 5. Anaphylactic Shock or allergy shock:

Signs of allergy shock:

1. Burning, itchy skin
2. Difficult breathing

### 6. Fainting is a self correcting mild form of shock.





CARDIO-  
PULMONARY  
RESUSCITATION



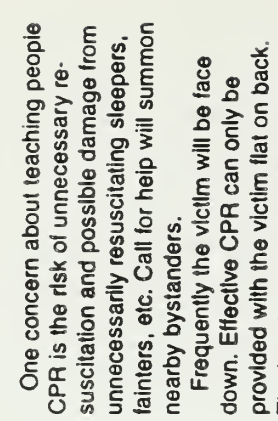
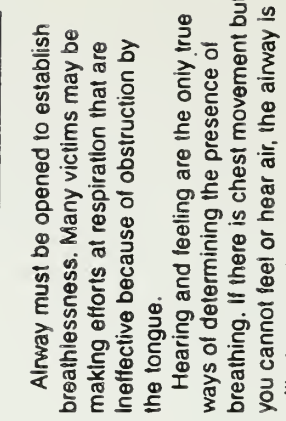


# Cardiopulmonary Resuscitation

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**American Heart Association**

Activity	Critical Performance	Rationale
 <p>Establish Unresponsiveness and Call out for help Position the victim (4-10 seconds)</p>	<p>Tap, gently shake shoulders and shout: "Are you OK?" Call out "help" Turn if necessary, supporting head and neck. Take adequate time.</p>	<p>One concern about teaching people CPR is the risk of unnecessary resuscitation and possible damage from unnecessarily resuscitating sleepers, fainters, etc. Call for help will summon nearby bystanders. Frequently the victim will be face down. Effective CPR can only be provided with the victim flat on back. The head cannot be above the level of the heart or CPR is ineffective. Accurate diagnosis is important. Four to 10 seconds gives time to do that.</p>
 <p>Open Airway Establish Breathlessness (Look, listen, feel) (3-5 seconds)</p>	<p>Kneel beside victim's shoulder; upper hand on forehead, lower hand either under neck or lifting chin. The chin lift uses the lower hand to lift the chin while the neck lift uses the lower hand to support the neck. The chin should be lifted so that the teeth are nearly brought together. Avoid completely closing the mouth. Turn your head toward victim's foot with your ear directly over and close to victim's mouth. Listen and feel for evidence of breathing. Look for respiratory effort (rise and fall of the chest).</p>	<p>Airway must be opened to establish breathlessness. Many victims may be making efforts at respiration that are ineffective because of obstruction by the tongue. Hearing and feeling are the only true ways of determining the presence of breathing. If there is chest movement but you cannot feel or hear air, the airway is still obstructed.</p>

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# Performance Guidelines and Rationale

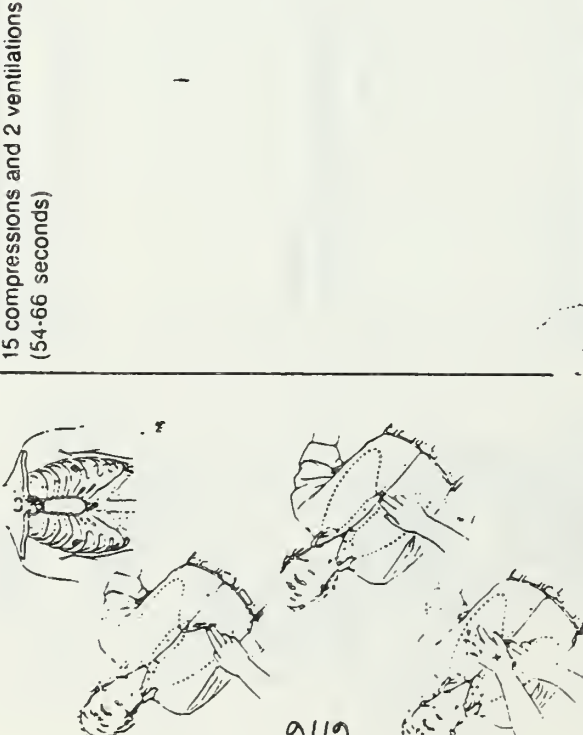
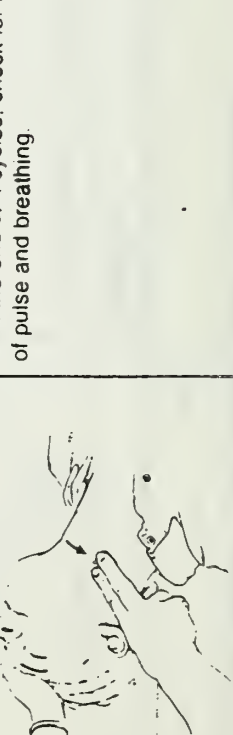
Single Rescuer CPR — continue

	Activity
<p>Head Tilt — Chin Lift</p>  <p>or Head Tilt — Neck Lift</p> 	<p>Four Ventilations (3-5 seconds)</p>
  	<p>Establish Pulselessness (5-10 seconds)</p> <p>Activate the EMS System</p>

Critical Performance	Rationale
<p>Pinch off nostrils with thumb and forefinger of upper hand while maintaining pressure on victim's forehead to keep the head tilted.</p> <p>Open your mouth widely, take a deep breath and make tight seal. Breathe into victim's mouth 4 times with complete refilling of your lungs after each breath. Watch victim's chest rise.</p> <p>Ventilations must be given in rapid succession. These are "building breaths" — that is, the victim's lungs should not fully deflate after each breath.</p>	<p>When you are beginning rescue breathing, it is important to get as much oxygen as possible to the victim. If your rescue breathing is effective, you will:</p> <ul style="list-style-type: none"> <li>• feel air going in as you blow</li> <li>• feel the resistance of the victim's lungs</li> <li>• feel your own lungs emptying</li> <li>• see the rise and fall of the victim's chest and belly.</li> </ul>
<p>Place 2-3 fingers on voice box just below chin. Slide fingers into groove between voice box and muscle, on side next to rescuer. Other hand maintains head tilt.</p> <p>Palpate the carotid pulse.</p>	<p>This activity should take 5 to 10 seconds because it takes time to find the right place, and the pulse itself may be slow or very weak and rapid. The victim's condition must be properly assessed.</p>
	<p>Notification of the EMS system at this time allows the caller to give complete information about the victim's condition.</p>

# Performance Guidelines and Rationale




Single Rescuer CPR (Continued)

Activity	Rationale
<p>Begin first cycle: 15 compressions and 2 ventilations (54-66 seconds)</p> 	<p>Precise hand placement is essential to avoid serious injury.</p>
<p>At the end of 4 cycles, check for return of pulse and breathing.</p> 	<p>To establish whether there is a spontaneous return of pulse or breathing.</p>

Critical Performance	Rationale
<p>To begin first cycle: Move to victim's chest. Run fingers up lower margin of the rib cage and locate sternal notch with middle finger. With index finger on sternum, place heel of hand closest to head on sternum next to, but not covering, index finger. Place second hand on top of first.</p> <p>Position body: Weight is transmitted vertically, elbows should be straight and locked, shoulders over hands. Say mnemonic at proper rate and ratio. (Count aloud to establish rhythm: "one-and-two-and-three-and-four-and" ...)</p>	<p>50% of compression is downward to empty the heart, 50% of compression relaxation is upward to fill the heart. With each compression, you want to squeeze the heart or increase pressure within the chest so that blood moves to the vital organs. Adequate oxygenation must be maintained.</p>
<p>Compress smoothly and evenly, keeping fingers off victim's ribs. The rescuer must apply enough force to depress the sternum 1½-2 inches, at a rate of 80 compressions per minute.</p> <p>Ventilate properly: After every 15 compressions, deliver 2 rescue breaths.</p>	<p>Check pulse and breathing. If no pulse, resume CPR. If there is a pulse but no breathing, apply rescue breathing.</p>

# Performance Guidelines and Rationale




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	Activity
	<p>Second rescuer appears and</p> <ol style="list-style-type: none"> <li>1) identifies self</li> <li>2) checks pulse for effective compressions (5 seconds)</li> </ol>
	<p>Second rescuer calls: "Stop Compressions"</p> <p>Checks for spontaneous pulse and breathing (5 Seconds)</p>
	<p>If no pulse is found, begin two rescuer CPR.</p> <p>Second rescuer ventilates once and states, "No pulse-continue CPR."</p>

Critical Performance	Rationale
<p>Second rescuer says, "I know CPR"; kneels at the victim's opposite side in position for rescue breathing; locates carotid pulse.</p> <p>When pulse is properly located, the second rescuer should feel a pulse with each compression.</p>	<p>Check for effective compressions</p>
<p>Second rescuer calls out, "Stop Compression" no matter what mnemonic count the first rescuer is calling out.</p> <p>First rescuer stops compressions for 5 seconds.</p> <p>Second rescuer should inform first rescuer of the status of the victim and need for rescue breathing or CPR.</p>	<p>Provides a second assessment of the victim's pulse and verifies the need for CPR.</p>
<p>Second rescuer opens victim's airway and delivers one full deep breath to victim. States, "No pulse-begin compression."</p>	<p>Oxygen should be delivered to the lungs prior to chest compression and artificial circulation.</p>

# Performance Guidelines and Rationale

Two Rescuers CPR Continued





	Activity
	<p>First rescuer resumes compressions.</p>
 	<p>Compressor calls for a switch when needed.</p> <p>Ventilator takes over compression.</p>

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Critical Performance	Rationale
<p>First rescuer changes to new rate and mnemonic ("one-one thousand, two-one thousand") ... and compresses smoothly and evenly.</p> <p>Second rescuer interposes one breath after every fifth compression.</p>	<p>Second rescuer ventilation triggers change of rate and ratio.</p> <p>Mnemonic slows compression to rate of 60 per minute.</p> <p>Remember: 50% of compression is downward to empty the heart and 50% of compression/relaxation is upward to fill the heart!</p>
<p>Compressor replaces mnemonic with 5 count instructions:</p> <p>"Change — 1000</p> <p>"Two — 1000</p> <p>"Three — 1000</p> <p>"Four — 1000</p> <p>"Five — 1000</p> <p>compressing on each word, maintaining the correct rate and ratio.</p> <p>On the fifth count, the rescuer at the head gives one breath; moves to the victim's chest; finds the notch; slides second hand over finger marking the notch.</p> <p>The compressor, after giving the fifth compression, moves to the victim's head and checks the pulse and breathing for 5 seconds. If no pulse is felt, the rescuer at the head gives one breath and says, "no pulse, continue CPR." Second rescuer continues CPR.</p>	<p>External chest compression can tire you out rapidly causing your performance to be less effective.</p> <p>The switch must be performed quickly and smoothly to maintain effective CPR.</p>

# Performance Guidelines and Rationale

01. 1. 1.

	Activity
	<p>Rescuer asks "Can you speak?" (2-3 seconds)</p> <p>Victim may be using the "Universal Distress Signal" of choking: clutching the neck between thumb and index finger.</p>
	<p>Deliver four back blows. (3-5 seconds)</p>
	<p>Deliver four abdominal thrusts or chest thrusts. (4-5 seconds)</p>
	<p>Repeat back blows and manual thrusts until effective or until the victim becomes unconscious.</p>

Abdominal Thrust




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Critical Performance	Rationale
Rescuer must identify complete airway obstruction by asking victim if he is able to speak.	In the conscious victim it is essential to recognize the signs of an airway obstruction and take action immediately. If the victim is able to speak or cough effectively, do not interfere with his or her attempts to expel the foreign body.
With the heel of your hand, deliver 4 sharp blows rapidly and forcefully between the shoulder blades; support the victim's chest with the other hand on the breastbone.	Continually check for success.  This maneuver may have the effect of dislodging the foreign body before forcing it upward with the manual thrust maneuver.
<p><b>ABDOMINAL THRUST:</b> Stand behind victim and wrap your arms around victim's waist. Grasp one fist with your other hand and place thumb side of your fist in the midline between the waist and rib cage. Press fist into abdomen with quick inward and upward thrusts.</p> <p><b>CHEST THRUST:</b> Stand behind victim and place your arms under victim's armpits to encircle the chest. Grasp one fist with other hand and place thumb side on the middle of the breastbone. Press with quick backward thrusts.</p>	<p>The sequence of back blows and abdominal or chest thrusts is more effective than either maneuver used alone.</p> <p>Each back blow and manual thrust should be delivered with the intent of relieving the obstruction.</p> <p>Chest thrusts are more easily done than abdominal thrusts when the abdominal girth is large, as in gross obesity or in advanced pregnancy.</p>

Note: Although the above sequence of back blows followed by manual thrusts is preferred, the reverse sequence of manual thrusts followed by back blows is acceptable.





# Performance Guidelines and Rationale

Structure: Airway - Choking - ie. on Who Brought  
 consoling.

	Activity
	<p>Position the victim and call out for help. Allow 4-10 seconds if face down and turning is required.</p>
 <p>246</p>	<p>Open airway and attempt to ventilate.          (3-5 seconds)</p>
	<p>Activate EMS.          (2 seconds)</p>

Critical Performance	Rationale
<p>Turn if necessary, supporting head and neck. Call out "Help!"</p>	<p>The victim must be properly positioned on his back in case CPR becomes necessary.          This initial call for help is to alert bystanders.</p>
<p>Kneel properly. Use head tilt-chin lift or head tilt-neck lift.          Attempt ventilation.          Airway remains obstructed.</p>	<p>Complete airway obstruction by a foreign body is assumed present, but at this point an attempt must be made to get some air into the lungs just in case the victim's fall has jarred the foreign body loose.</p>
<p>If unsuccessful and a second person is available, he should activate the EMS.</p>	<p>Advanced life support capability may be required.</p>





# Performance Guidelines and Rationale Structured Airway - Choking Victim Who Becomes Conscious (Continued)

	Activity
	Give 4 back blows in rapid succession. (4-6 seconds)
 Abdominal Thrust or Chest Thrust	Give 4 abdominal thrusts (5-6 seconds) or Give 4 chest thrusts (5-6 seconds)
	Check for foreign body using finger sweep. (6-8 seconds)
	Reattempt to ventilate (3-5 seconds)
	Repeat sequence until successful.

Critical Performance	Rationale
Roll victim toward you using your thigh for support. Give 4 forceful and rapidly delivered blows to back between shoulder blades with the heel of one hand; keep other hand on the victim's shoulder for support.	Continually check for success. Each back blow or manual thrust should be delivered with the intent of relieving the obstruction.
ABDOMINAL THRUST: Position yourself with your knees close to victim's hips. Place heel of one hand in the midline between the waist and the ribcage and second on top. Press into abdomen with quick inward and upward thrusts. Never place hands on the xiphoid process or on the lower margins of the ribcage. Rescuer may use the aside or astride position. CHEST THRUST: Same hand position as that for applying external chest compression. Exert quick downward thrust.	Kneeling at victim's side gives the rescuer greater mobility and access to the airway. Chest thrusts are preferred in the presence of large abdominal girth (advanced pregnancy or obesity). Downward thrusts generate effective airway pressure.
Turn head up, open mouth with jaw lift technique and sweep deeply into mouth along cheek with hooked finger.	A dislodged foreign body may now be manually accessible if it has not been expelled. Dentures may need to be removed to improve finger sweep.
Reposition head using the head tilt-neck lift or head tilt-chin lift maneuver.	By this time another attempt must be made to get some air into the lungs.
Alternate the above maneuvers in rapid sequence: • back blows • manual thrusts • finger sweep • attempt to ventilate	Persistent attempts are rapidly made in sequence in order to relieve the obstruction. As the victim becomes more deprived of oxygen, the muscles will relax and maneuvers that were previously ineffective may become effective.

# Performance Guidelines and Rationale



## Obstructed Airway-Unconscious Victim

	Activity
 	<p>Establish unresponsiveness and call out for help. Allow 4-10 seconds if face down and turning is required.</p>
	<p>Open airway. Establish breathlessness (look, listen and feel). (3-5 seconds)</p>
	<p>Attempt to ventilate (3-5 seconds)</p>

Critical Performance	Rationale
<p>Tap, gently shake shoulder, shout "Are you OK?" Call out "Help!" Turn if necessary, supporting head and neck.</p>	<p>This initial call for help is to alert bystanders.</p>
<p>Kneel properly. Head tilt with one hand on forehead and neck lift or chin lift with other hand. Ear over mouth, observe chest. Adequate time.</p>	
<p>Attempt ventilation. Airway remains obstructed.</p>	<p>Complete airway obstruction by a foreign body is assumed present, but at this point an attempt must be made to get some air into the lungs.</p>

# Performance Guidelines and Rationale



Obstructed Airway - Unconscious: Victim (Continued)

	Activity
	Reattempt ventilation (3-5 seconds)
	Activate the EMS
	Give 4 back blows in rapid succession. (4-6 seconds)
	Give 4 abdominal thrusts (5-6 seconds)  Give 4 chest thrusts (5-6 seconds)  or Chest Thrust

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Critical Performance	Rationale
Reposition head, airway remains obstructed.	Improper head tilt is the most common cause of airway obstruction.
If unsuccessful, and a second person is available, he should activate EMS system. Know your local EMS or rescue unit number.	Advanced life support capability may be required.
Roll victim toward you using your thigh for support. Give 4 forceful rapidly delivered blows to back between shoulder blades.	Each back blow or manual thrust should be delivered with the intent of relieving the obstruction.
ABDOMINAL THRUSTS: Position yourself with your knees close to victim's hips. Place heel of one hand in the midline between waist and rib cage and second hand on top. Press into abdomen with quick inward and upward thrusts. Never place hands on the xiphoid process or on the lower margins of the ribcage. Maneuver may be done astride victim.  CHEST THRUSTS: Same hand position as that for applying chest compression. Exert quick downward thrusts.	Kneeling at victim's side gives the rescuer greater mobility and access to the airway.  Chest thrusts are preferred in the presence of large abdominal girth (advanced pregnancy or obesity). Downward thrusts generate effective airway pressure.

# Performance Guidelines and Rationale Obstructed Airway - Unconscious Victim (Continued)




	<p><b>Activity</b></p> <p>Check for foreign body using finger sweep (6-8 seconds)</p>
	<p>Reattempt to ventilate (3-5 seconds)</p>

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Critical Performance	Rationale
<p>Turn head up, open mouth with jaw lift technique and sweep deeply into mouth along cheek with hooked finger.</p>	<p>A dislodged foreign body may now be manually accessible if it has not been expelled. Dentures may need to be removed to improve finger sweep.</p>
<p>Reposition head using head tilt-chin lift or head tilt-neck lift. Airway remains obstructed.</p>	<p>By this time another attempt must be made to get some air into the lungs</p>
<p>Alternate the above maneuvers in rapid sequence:</p> <ul style="list-style-type: none"> <li>• back blows</li> <li>• manual thrusts</li> <li>• finger sweep</li> <li>• attempt to ventilate</li> </ul>	<p>Persistent attempts are rapidly made in sequence in order to relieve the obstruction. As the victim becomes more deprived of oxygen, the muscles will relax and maneuvers that were previously ineffective may become effective.</p>

# Performance Guidelines and Rationale



1. Establish unresponsiveness. Call out for help. Position the victim. (4-10 seconds)

Activity	Rationale
 <p>Establish unresponsiveness. Call out for help. Position the victim. (4-10 seconds)</p>	<p>Diagnosis must be equally accurate in children and infants. With this emotionally charged situation, time must be taken to establish the diagnosis of unresponsiveness, arrest or breathing difficulty.</p> <p>Horizontal position aids effective circulation.</p>
 <p>Open the airway and Establish Breathlessness (Look, listen, feel) (3-5 seconds)</p>	<p>Hyperextension can collapse trachea or cause cervical spine injury.</p> <p>If infant is struggling to breathe and lips are pink, do not begin rescue breathing. If lips are blue, BEGIN RESCUE BREATHING because not enough oxygen is reaching the blood.</p>
 <p>Cover mouth and/or nose and Give 4 gentle breaths (3-5 seconds)</p>	<p>An infant's face is too small for the nose pinch/mouth seal maneuver. The lung capacity of an infant or child is smaller than an adults. Avoid overinflating the lungs as this can cause gastric distension and vomiting.</p>

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# Performance Guidelines and Rationale

Infant - younger than 1 year - Chapter 1-1 to 1-2 (Continued)

	Activity
	Establish Pulselessness (5-10 seconds) and activate the EMS System
 252	Begin compressions. 5 compressions to 1 breath Continue uninterrupted.

Critical Performance	Rationale
<p>INFANT: Fingers palpate brachial pulse (inside of upper arm midway between elbow and shoulder).</p> <p>CHILD: Fingers palpate for carotid pulse.</p> <p>Know local EMS or rescue unit number.</p>	<p>For infant, the brachial pulse is easiest to find. The short, fat neck makes the carotid pulse difficult to find. The precordial pulse has been found to be unreliable and thus should not be used.</p>
<p>INFANT: Two fingers (mid-sternum) for compressions, 100 compressions per minute (mnemonic is "one, two, three ...")</p> <p>CHILD: The heel of one hand in adult compression area, 80 compressions per minute (mnemonic is "one and two and three and ...")</p>	<p>Infants and small children need a more rapid cardiac compression rate (100 or 80 per minute respectively with breath interposed after every 5 compressions).</p>

	Part of Hand	Hand Position	Depress Sternum	Rate of Compression
INFANTS	tips of index and middle fingers	mid-sternum	½ to 1 inch	100 per minute
CHILDREN	heel of hand	mid-sternum	1 to 1½ inches	80 per minute



FIREARMS  
AND  
RANGE SAFETY







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FIREARMS SAFETY RULES

1. Never load any firearm on a firing range unless on the firing line and commanded to do so.
2. Never "snap" or practice dry firing behind the firing line.
3. Never speak to anyone on the firing line unless you are coaching, being coached, or are the range officer.
4. If you should be spoken to while on the firing line, do not turn around to make a reply.
5. In the case of a misfire, keep the gun down range, try to fire the cartridge again, and if it continues to misfire, give the cartridge to the person in charge of the training.
6. When loading, all weapons are to be pointed down range with the exception of the shot gun which is to be pointed in the air.
7. When handling a firearm, first check to determine if the gun is loaded and then place the gun in a safe condition.
8. Never lay a firearm down without unloading it and leaving the action open. The Thompson sub-machine gun is an exception. The bolts on this gun should be forward with the magazine out.
9. Never point a firearm at a person unless you are prepared and willing to shoot that person.
10. Check a firearm for barrel obstruction before loading it. Heavy grease is an obstruction.
11. Never point or carry a firearm down or behind the firing line loaded or with the action loaded. (See Rule 8)
12. When on a firing range, pistols and revolvers should remain in holsters unless on the firing line.

13. Never fire a succeeding shot following the malfunction of a cartridge until the barrel has been examined to ascertain whether a bullet is lodged therein.
14. Should it become necessary for any person to proceed from the firing point to the targets, all arms shall be unloaded, actions opened (except in full automatic weapons) and laid down on the firing point; or, if pistols and revolvers, they may be placed in holsters. The range officer shall give these commands.
15. Never proceed to the targets from the firing line without the command of the range officer.
16. When reducing a stoppage in an automatic weapon, pull the bolt back first and put the safety "on".
17. Never permit the muzzle of a rifle to touch the ground. If this should inadvertently happen, never fire the gun until the dirt or snow has been removed from the barrel.
18. The strictest discipline must be maintained at all times on the firearms range in order to prevent accidents and injuries. Carelessness and thoughtlessness of any type cannot and must not be tolerated during the firearms training program.
19. There should be no "horse play" during firearms training.
20. No "dry firing" will be tolerated except in the presence of a qualified firearms instructor.
21. Care should be taken not to drop ammunition.
22. Never drop an ammunition case to open it. Always use a hammer, hatchet or tool provided for that purpose.
23. Glasses should be worn when firing tracer ammunition.
24. Cotton should always be used in the ears by all persons participating in or observing firearms training.
25. All waste and refuse should be examined for live rounds of ammunition before burning.

- 1 - Instructors will qualify students based on the following criteria:

Designation	Total Score	Percentage
EXPERT -----	281 - 300	---- 93%
SHARPSHOOTER -----	261 - 280	---- 87%
MARKSMAN -----	240 - 260	---- 80%
NON-QUALIFY -----	239 or below	--- Failure

## B - RANGE QUALIFICATION COURSE

### I - OBJECTIVES

- 1 - Each officer will demonstrate the ability to use his/her service revolver under timed-fire, combat conditions, by satisfactorily completing the qualification course, with a minimum of 240 points, (80%).

### II - PROCEDURE

#### PHASE I

- a) Shooter at the 25 yd. line loads with 6 rounds and holsters. On command, the shooter moves behind the barricade at the 25 yd. line.
- b) Shooter drops to the strong knee, assuming the strong hand position, then draws the revolver, finger outside the trigger guard. When the shooter fires strong hand right/left, the corresponding knee is on the ground. Shooter in assuming the kneeling strong hand barricade position, extends the revolver beyond the edge of the barricade, exposing a minimum portion of his/her body.
- c) Shooter places the weak hand on the barricade as a guide and support and fires six rounds.
- d) Shooter immediately reloads, using the barricade for cover.
- e) Shooter assumes proper point shoulder barricade position, extending the revolver beyond the edge of the barricade, with wrists resting on top of the barricade. The cup and saucer or vice type grip is utilized, and both arms are fully extended, with elbows locked. Shooter fires six rounds.
- f) Shooter immediately reloads behind the barricade.
- g) Shooter assumes the kneeling, weak hand barricade position, extending the revolver beyond the edge of the barricade.
- h) Shooter places strong hand on the barricade as a guide and support and fires six rounds. (18 rounds in 1 min. 15 sec.)
- i) Upon command to cease fire, shooter unloads, reloads and covers the target. The instructor commands, "Stand Ready." On command, the shooter advances to the 15 yard line.

## **PHASE II**

- a) On command, the shooter assumes two-handed point shoulder position; cup and saucer or vice-type grip, and fires six rounds; ejecting spent rounds with weak hand; simultaneously reaching for last six rounds with strong hand. Feet remain in place while shooter reloads six rounds.
- b) Shooter fires last six rounds using the same stance. (12 rounds in 30 sec.)
- c) Upon command to "Cease Fire," shooter unloads, reloads and covers the target. The instructor commands, "Stand Ready." On command, the shooter advances to the 10 yard line.

## **PHASE III**

- a) On command, shooter assumes two-hand natural point position (a position in between the hip shooting and point shoulder shooting position; not looking at the sights with all vision on the target). Shooter fires six rounds.
- b) Shooter reloads four rounds; keeping the feet in place. Shooter resumes two-hand natural point shooting position and fires last four rounds. (10 rounds in 25 seconds.)

## **PHASE IV**

- a) On command, shooter assumes the two-hand natural point position. Shooter fires six rounds.
- b) Shooter reloads four rounds; keeping feet in place and fires the last four rounds. (10 rounds in 20 sec.)
- c) Upon command to "Cease Fire," shooter unloads, reloads and covers the target. The instructor commands, "Stand Ready." On command, the shooter advances to the 3 yard line.

## **PHASE V**

- a) On command, the shooter assumes the proper hip shooting position (one hand).
- b) Shooter fires six shots (double tap) from the hip position. (3 sec. per 2 rounds)
- c) Shooter unloads, reloads with four rounds and assumes the Stand Ready Position.
- d) Upon command, the shooter fires four shots (double tap) from the hip position. (3 sec. per 2 rounds)
- e) The shooter will Stand Safe, and upon command holsters the empty weapon.

### III - EVALUATION

- 1 - Instructors will qualify students based on the following criteria:
  - a) The M.C.J.T.C. Target must be used.
  - b) Recruits must score a minimum of 240 points (80%)

#### Combined Revolver/Semi-auto pistol course

Instructor insures that all students are on the line with empty firearms and duty ammunition carriers, pistol shooters with at least 3 magazines (clips, chargers).

Issue 60 rounds

#### Phase I 25 yard line

Instructor advises--6 strong hand kneeling, 6 over top, six weak hands kneeling, 1 minute 15 seconds, on completion or the expiration of time, unload, reload with 6 rounds and cover the target.

(Revolver shooters load loops, boxes, speed loaders, pistol shooters load 6 in each of 3 magazines (clips, chargers)).

Instructor commands load with six rounds and holster. Revolver shooters load all six chambers, holsters and straps firearm in.

Pistol shooters insert clip loaded with 6 rounds, activate slide, put weapon in mode carried on the street. (Cock and lock, decocked, safety on, decocked.)

Instructor commands 18 rounds, 3 positions on the whistle or on command.

give command

At expiration of 1 minute, 15 seconds, instructor commands cease fire, unload reload and cover.

(Revolver shooters reload cylinder, pistol shooters reload magazine, insert, put weapon in street mode.)

Both cover the target with a firearm loaded and ready to fire with 6 rounds. Instructor commands, "Stand ready", moves shooters to 15 yard line.

#### Phase II

Advise shooters 6 rounds point shoulder, (isosceles or weaver), unload reload with 6, fire the six in 30 seconds, unload reload with six and cover. (Six rounds, reload with six, 30 seconds reload with six and cover).

Revolver shooters prepare speed loaders, strips or loops, pistol shooters prepare a magazine with six rounds.

Instructor gives fire command.

At expiration of time, instructor commands "cease fire" advises students to be prepared to reload with four, 10 rounds, point shoulder, from the 10 yard line, on completion or expiration of time unload, reload with six rounds and cover the target.

### Phase III

Moves students to the 10 yard line allows time for reloading magazines, speed loaders, etc.

10 rounds, point shoulder, 25 seconds.

### Phase IV

Repeats at 5 yard line, 10 rounds, natural point (over the sights) 20 seconds.

### Phase V

Repeats at 3 yard line double tap, 2 rounds from strapped in holster, on command, 3 seconds, one hand combat stance, last 4. Advises students to stand safe on completion.

2 - DESIGNATION	TOTAL SCORE	PERCENTAGE
EXPERT -----	281 - 300 -----	93%
SHARPSHOOTER -----	261 - 280 -----	87%
MARKSMAN -----	240 - 260 -----	80%
NON-QUALIFY -----	239 or below -----	Failure

PRINCIPLES AND CONCEPTS OF POLICE

CIVIL LIABILITY

Directions: On the line indicated, check whether the statements are true or false.

	<u>TRUE</u>	<u>FALSE</u>
1. The only individuals who can be involved in a civil suit which results from an officer's actions or lack of action are the officer and chief.	_____	_____
2. If the public employee wishes to be exempted from liability, he/she must cooperate with the public employer in preparing a defense to a civil action.	_____	_____
3. The public employer must indemnify employees for loss resulting from intentional torts and/or acts or omissions which violate civil rights.	_____	_____
4. A public employee who violates a person's civil rights by acting in a grossly negligent, willful or malicious manner may not be indemnified.	_____	_____
5. The Civil Rights Act, 42 U.S.C. 1983, prohibits conduct which "Shocks the Conscience".	_____	_____

Directions: On the line provided, fill in the blank with the correct answer.

6. The (Tort), (Claims), (Act) allocates liability between governmental units and their employees and establishes procedures for filing against the Commonwealth, municipalities, counties, and districts.
7. Actions which are required by written departmental rules and regulations are called (express) obligations.
8. Actions not required by written law but still expected by the public are called (implied) obligations.

Directions: Place a check next to the statement that best answers the question.

9. In an effort to avoid civil liability, an officer should:
- a. \_\_\_\_\_ Determine scope of duties; identify the circumstances at hand; identify the applicable standard of conduct.
  - b. \_\_\_\_\_ Act as quickly as possible; avoid delay.
  - c. \_\_\_\_\_ Always consult with the supervisor before acting.
10. Some of the factors that the court considers in determining whether the force used by a police officer was excessive, include:
- a. \_\_\_\_\_ The socio/economic status; racial group and size of the suspect.
  - b. \_\_\_\_\_ The length of time that the subject has been wanted; fear that the subject may flee to a foreign country.
  - c. \_\_\_\_\_ The need for application of force; the nature of the offense; the behavior of the subject.
11. Some of the elements contained in a finding of probable cause include:
- a. \_\_\_\_\_ A person of reasonable caution believes that a crime has been or is being committed.
  - b. \_\_\_\_\_ A person has a feeling that a crime will be committed.
  - c. \_\_\_\_\_ Both of the above.
12. Some of the elements of reasonable force include:
- a. \_\_\_\_\_ Maximum force needed to subdue a subject.
  - b. \_\_\_\_\_ Any force needed to subdue a subject.
  - c. \_\_\_\_\_ Least amount of force needed to subdue a subject.

13. Some of the circumstances under which an officer may use deadly force include:

- a. \_\_\_\_\_ To prohibit escape.
- b. \_\_\_\_\_ Reasonable belief that such force is necessary; protection of one self from imminent death.
- c. \_\_\_\_\_ Fear of size and power of the suspect.

Directions: Match the type of misconduct with the correct definition by placing the correct letter in the space provided.

14. Intentional Misconduct \_\_\_\_\_

A. Knowledge and appreciation of a risk fall short of a substantial certainty.

15. Negligent Misconduct \_\_\_\_\_

B. A voluntary action intended to bring about desired physical consequences believed by a reasonable person to be substantially certain.

16. Negligent Misconduct \_\_\_\_\_

C. Failure to exercise even slight care, high degree of culpability; indifference to legal duty; deliberate inattention; voluntary incurring of obvious risk.

17. Grossly Negligent Misconduct \_\_\_\_\_

D. Unintentional actions; failure to conform with "Reasonable Man" standard for the protection of others against unreasonable risk.

Directions: Match the proper course of action with the applicable circumstances by placing the letter on the line provided.

18. Deadly Force \_\_\_\_\_

A. While responding to a bank alarm an unarmed male carrying a bank money pouch, runs out the front door, knocking over an old man.

19. Reasonable Force \_\_\_\_\_

B. While responding to a bank alarm an armed male carrying a bank money pouch runs out the front door. He sees you and from a distance of 10 feet, fires two shots at you.

20. No Probable Cause \_\_\_\_\_

C. While responding to a bank alarm, an unarmed male is seen walking toward the front door of the bank.

# Introduction To Safety

## SAFETY RULES

1. The strictest discipline must be maintained at all times on the firearms range in order to prevent accidents and injuries. Carelessness and thoughtlessness of any type cannot and must not be tolerated during the firearms training program.

2. When on a firing range, weapons shall remain in holsters unless on the firing line.

3. No "dry firing" will be allowed except at the direction, and under the supervision, of the range instructor.

4. Never load any firearm on a firing range unless on the firing line and commanded to do so.

5. Do not speak to anyone on the firing line unless you are coaching, being coached, or are the range officer.

6. If you should be spoken to while on the firing line, *do not turn around to make a reply.*

7. When loading, all weapons are to be pointed down range, with the exception of the shotgun which is to be pointed in the air.

8. Check a firearm for barrel obstruction *before* loading it. Heavy grease is an obstruction.

9. In the case of a misfire or other malfunction, *keep the gun pointing downrange*, and call the coach or range officer.

10. Never lay a firearm down without unloading it and leaving the action open. The Thompson sub-machine gun is an exception. The bolt on the Thompson should be forward with the magazine out.

11. Never go from the firing line toward the targets without the knowledge and permission of the range officer. He shall give all commands for the disposition of weapons prior to any movement toward the targets.

12. Care should be taken not to drop ammunition.

13. When opening ammunition cases, use a hammer, hatchet or other suitable tool. Do not drop the case to open it.

## PRACTICAL HINTS

1. *Having gun ready* - Police officers should, under certain circumstances and conditions (felonies in progress, etc.), have their gun in a ready position, gun in hand, *not* cocked, no gloves, and finger off the trigger, until such time

as necessity dictates other action. However, when an officer approaches the scene of an apparently minor incident, (family fight, stopping a vehicle because of a traffic violation etc.) he should have his gun in a position that will facilitate his assumption of the ready position should the incident turn out to be more dangerous than at first anticipated. This does not mean that the gun need necessarily be drawn from the holster, but it suggests that at least the officer's hand be on the gun in the holster, his gloves should be off, and *nothing should be in a position to impede his drawing of the gun.* (e.g., the night stick should be in his weak hand, straps or holster covers should be open, detectives and plainclothesmen should have coat jackets open etc.)

2. *Lowering the hammer on a live round* - There are occasions when officers 'cock' their revolvers in anticipation of firing their gun, and then find out that it is not necessary to fire. The best method of lowering the hammer on the 'live' round is:

a. First make sure the finger is off the trigger; the gun is pointing in a safe direction.

b. Place the thumb of the non-shooting hand as deeply as possible across the hammer track between the firing pin and the frame.

c. Then place the thumb of the shooting hand on the hammer spur and the index finger of the shooting hand on the trigger.

d. Place just enough pressure on the trigger to release the hammer (being held by the thumb of the shooting hand).

e. *Then remove the trigger finger from the trigger* and guide the hammer down slowly with the thumb of the shooting hand till the firing pin touches the thumb of the non-shooting hand.

f. Remove the thumb of the non-shooting hand from contact with the gun and guide the hammer slowly down the remainder of the way with the thumb of the non-shooting hand.

3. *Instinctive action* - Through research it has been found that most officers when they are in a close quarters combat situation immediately resort to "double action" type of shooting. This generally occurs whether the officer has had training in "double action" type of firing or not. This procedure is apparently an instinctive self defense mechanism which facilitates getting the shots off at the adversary as quickly as possible. The training given at the range in double action, should be practiced until it complements the instinctive action and enables the officer to shoot in this manner with a great deal of accuracy.

4. *Defensive positions*

a. Cover - An officer, when confronted with a

combat situation, should immediately seek cover when it is available in order to present as little of his person as possible as a target for his adversary to hit. There are many things in the street that may be used, such as trees, lamp posts, automobiles, sides of buildings, ash cans, etc. Indoors the opportunities for cover may not be as available, but there are counters in stores, sofa and chairs in apartments, etc. Remember however, that a .38 calibre special bullet will penetrate seven pine boards, 7/8" thick spaced 7/8" apart so that sofas, chairs and tables do not offer absolute protection. *Use this information both offensively and defensively.*

b. Crouch — When under fire in close combat, (up to seven yards) where cover is not available, the officer should go into a pronounced crouch position and step to his left at the same time he is bringing his gun into position for double action hip shooting. The crouch position makes the officer much less of a target for his adversary to hit, and by *stepping to his own (the officer's) left he is probably stepping out of the line of fire* of an untrained adversary's bullet, if the adversary is a right handed person. The gun is pointed at the adversary and the grip is as firm as possible, with the primary vision on the target. Where the distance is somewhat greater, up to fifteen yards, a crouch is still recommended, but the *gun is brought up to eye level before firing*. Due to the greater distance, the chances of the officer being hit and correspondingly his chance of striking the target are somewhat less, and thus looking through the sights at the adversary is recommended; however, the primary vision remains on the adversary.

c. Other positions — at fifteen yards or further — The officer's primary vision switches to his sights. He can drop into a kneeling position and support his "shooting hand" with his non-shooting hand for better accuracy. By dropping to a kneeling position the officer goes down on one knee, the knee on the same side as the shooting hand, and brings the gun to eye-level. The *crouch and kneeling* positions allow the officer excellent maneuverability if after firing the preliminary shots he discovers it advisable to change his position to a place of cover etc. In moving to cover *when in an exposed field of fire* the officer should move at an uneven pace laterally from his opponent. If the situation is such that the officer feels the gun battle with his adversary might be prolonged, and the situation and terrain provide no cover, he should go into a *prone* position as this gives the adversary a minimum of target to hit, provided the distance is greater than twenty-five yards. The officers' non-shooting hand is used as a support for the shooting hand, and the butt of the gun, by either making a fist with the non-shooting hand and resting the butt and shooting hand on it, or by grasping the butt and shooting hand palm up with the non-shooting hand. The officer should also in the prone position keep his feet together to minimize the target he presents.

It must be remembered that all of the above positions are recommended only where the officer cannot find cover or cannot immediately use it prior to firing at his adversary.

5. *Cross fire positions* — An officer when at the scene of a possible crime, or, when approaching a scene of a possible crime, should if at all possible try to station himself in such a position so that if any firing of the weapon is necessary he will not be caught in the cross-fire of other officers and the adversary. This is particularly important where two or more officers are entering an apartment, store, basement, etc. To minimize cross fire position the officers should move, if possible in a straight line, with the officers at least two or three paces apart. In other cases, the superior at the scene should minimize risks by assigning men to positions and designating fields of fire depending on the circumstances.

6. *Counting rounds* — During the stress and strain induced by actual combat generally many things are done instinctively, but whenever possible the officer should try to count the number of rounds he fires, so that he will be aware of how many rounds he has left. Never fire that last round if it can be avoided, unless the range is point blank.

7. *Firing while running* — It is recommended that an officer *not fire his weapon while running*. Each officer should remember how difficult it is to align the sights and squeeze off a shot properly while training on the range in practically a motionless position, and how much more difficult it is for the officer to go through the same procedure while running. The officer should stop running, assume whatever position he feels the situation dictates, fire his shot or shots, and if necessary continue his pursuit.

8. *Firing from a moving automobile* — Much of the information in the above paragraph (*Firing while running*) is applicable in this instance. Most of the firing an officer does from a vehicle is done in pursuit of another vehicle, making it infeasible to stop the officer's vehicle every time he might want to fire a shot. In such an event, it would be best for the officer to use as much support as possible and his non-shooting hand should be used as a support for the wrist of his shooting hand. Nevertheless, in these cases the officer should evaluate the entire situation to determine whether firing his weapon is advisable under the existing conditions. In congested areas the shot may go wild or ricochet off the automobile injuring or killing an innocent party. Also, in congested areas, should the officer make a direct hit on the driver of the pursued vehicle, the possibility of the vehicle veering out of control and injuring or killing many persons is great.

9. *Cleaning the revolver* — Training on the range has brought out to the officer the necessity for cleaning his firearm and keeping it in good serviceable condition. It is suggested, however, that whether the officer cleans his gun at home or elsewhere, he should do so *in all possible privacy* because of the natural curiosity most grownups and children have about guns. The cleaning should be thorough enough to remove all lead deposits, all grease, oil, and gunpowder, after which a thin film of oil should be applied.

Safety rules, in themselves, never prevented an accident. It is the practice of safety rules to the point where they become automatic that prevents accidents. Even that is not enough! The mind of the shooter or gun handler must also be devoted to his actions. The person with a gun in his possession has a full-time job. He cannot guess, he cannot forget, he must know!

#### HE MUST KNOW:

- How it works
- Whether it's loaded
- Where it's pointing
- Where his target is
- What his target is
- Where the bullet will go
- Where the bullet will stop

#### IT'S A FULL-TIME JOB!

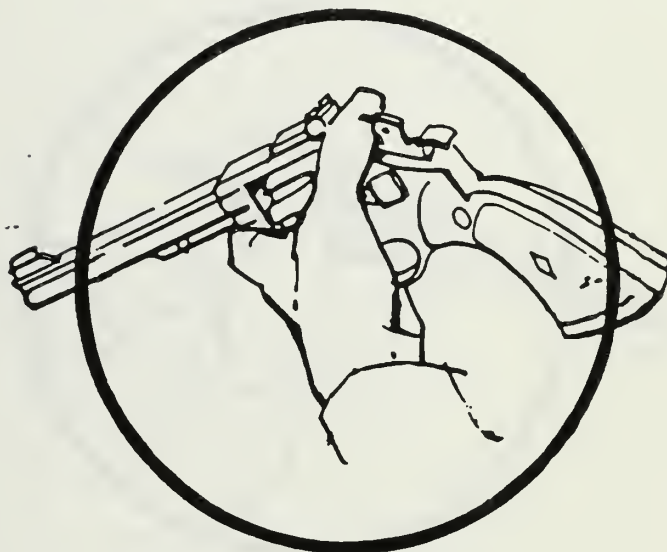
Under the discipline which is enforced on the range, the possibility of an accident is greatly minimized. It is when yours are the only eyes devoted to the problem, when yours is the only brain thinking about it, that the accident has its greatest chance to happen. Carelessness on your part can bring about the injury or death of another officer, a member of your family or a friend. Your status as a police officer will not exempt you from the consequences of such a mistake.

#### I. GENERAL SAFETY PRECAUTIONS

- A. Treat every gun as if it is loaded. This applies to your service revolver and the other service weapons. It applies to weapons which come into your custody under any circumstances. It applies, even, to guns which you KNOW to be unloaded. This should be an absolute rule.
- B. Open the action. In the revolver, this involves swinging the cylinder out of the frame. Don't pass a "closed" weapon to another person. It isn't good gun manners and it isn't safe.
- C. Unload. When you take the revolver from its holster for any purpose other than to fire it . . . unload! Unloading the revolver involves three steps: 1) eject the cartridges into the hand; 2) check the chambers in the cylinder to be sure they are all empty; 3) count the number of rounds in the hand to be sure they are all there. This last check is to prevent losing one where it can be found and, perhaps, lead to later trouble. Remember . . . YOU are the one who is responsible. Don't take anyone's word for the loaded condition. Check it yourself.
- D. Never point a firearm, loaded or unloaded, at anyone you do not intend to shoot, nor in a direction where unintentional discharge could cause injury or damage. This rule is especially important in connection with dry firing. The person doing the dry firing may be

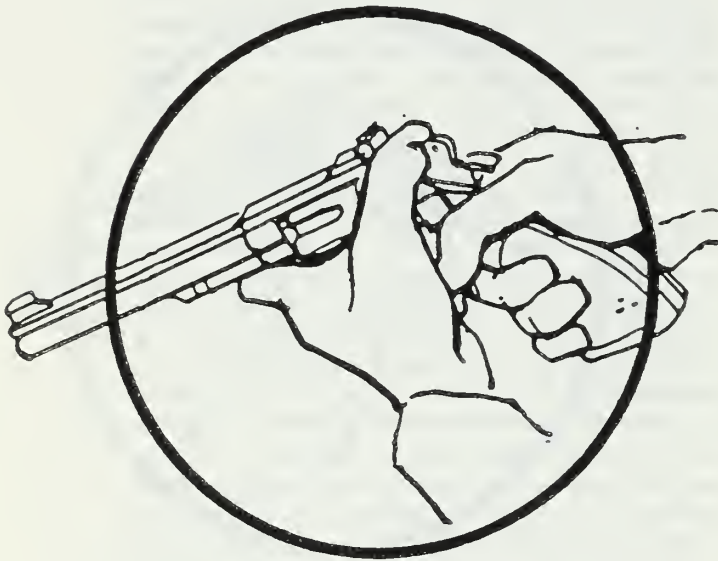
tempted, because he knows the gun to be unloaded, to point it at another person. Don't use a window as a dry firing target. Don't use an inside wall.

- E. Keep the finger out of the trigger guard until you are ready to fire. Develop the habit of handling the revolver without getting the fingers in contact with the trigger. This will be a valuable habit when you draw for combat shooting or when you are carrying the weapon ready for use. Even stumbling may cause an involuntary grip which could cause an accidental discharge. Remember . . . the trigger is for firing . . . the handle is for handling.



- F. Don't pull the hammer back to the cocked position unless you intend to fire. When it is necessary to lower the hammer on a live round, however, use this procedure: Remove finger from trigger and point weapon in safe direction. Place the left thumb between the hammer and the frame. Place right thumb securely on cocking spur to control fall of hammer. Press trigger with right index finger and allow thumb and hammer to move forward slightly. Remove finger from trigger and keep it clear. With right thumb, let hammer down slowly until it is in contact with left thumb. Remove left thumb from path of hammer and control remaining fall of hammer. If this procedure is necessary with one hand: Remove finger from trigger and point weapon in a safe direction. Place right thumb securely on cocking spur. Place right index finger on the trigger, squeeze it and remove it immediately. Guide the hammer down very carefully.

- G. Don't allow yourself to acquire nervous habits related to your revolver. Wherever you may be, don't remove it from the holster for idle purposes such as flexing the trigger, spinning the cylinder, swinging the cylinder in and out of the frame. In short, don't "play" with it. Don't use your holstered revolver as a hanger for the nightstick or a hand or elbow rest.
- H. Don't let your newfound interest in your service revolver make it a "conversation piece" with your family or friends. Do not let them handle it. Be especially careful that your children don't come to look on it as a toy.



## II. SAFETY AT HOME

### A. General statement about guns at home.

Where and how firearms should be kept in the home often presents a vexing problem.

The arrangement that is proper and ideal for a policeman with only a service revolver and who lives alone, may be unsuitable for the sportsman who has a variety of firearms along with a wife and 3 active youngsters.

The problem has varied solutions.

Some people believe it is vital to instruct all family members in the use of firearms, and make it a matter of honor that no one will handle the firearms without parental permission. Other parents maintain that firearms should be locked up, out of sight, and, if possible, "secret" from other occupants of the home. Since there is no one best method of dealing with the problem, then general guidance seems preferable to inflexible rules.

Common experience demands that all firearms should be kept out of the reach of children and immature or irresponsible adults. Unloaded rifles, shotguns, and handguns should at all times be in a rack, cabinet, closet, or drawer that is locked. Under some circumstances the method of storage should be such that the firearms cannot be seen. Likewise, cartridges and shells should be locked away and preferably out of sight.

Loaded guns in any household present a greater danger potential than unloaded guns. Usually, the only reason for having a loaded gun in the home is for protection against criminal intruders. However, there are 2 beliefs on this subject that warrant review.

Some people maintain that no gun should be kept loaded in a home. Instead, when the gun is needed, it and the ammunition can be taken from storage and united at the moment of emergency. On the other hand, people who have been confronted with an emergency that requires a firearm know that the ritual of getting gun and ammunition and bringing them together can be as defeating as having no gun at all.

No matter how certain anyone may feel about his solution, he must make ample allowance for the unexpected that haunts our every pursuit.

While it may seem that instructions and cautions to youngsters are sufficient, in cold reality the gun that is out of sight and behind a proper lock is less likely to be the cause of trouble than a gun more readily available.

In short, in the matter of home gun security, it is safer to be overly careful, and to combine instruction and admonitions with a strong lock on a substantial storage place.

### B. Some specific considerations.

The safe disposition of guns at home is a matter for real concern for the police officer. This problem is compounded by the fact that many officers use a different off-duty gun. This means that either the service revolver or the off-duty revolver may be at home all of the time. Even when the spare gun and ammunition are in separate, locked storage, many police departments advise locking a good padlock, or handcuffs, through the top strap in order that the cylinder cannot be closed. The key, of course, must be kept on the person of the officer.

One large metropolitan police department says, "Don't sleep with a loaded revolver within easy reach. Not all dreams are of . . . pleasant things. A handy loaded revolver might cause you to shoot a member of the family or yourself before you are fully awake. Keep it in the same place at all times, and habit will enable you to get it quickly if the need arises, but make it far enough from your bed to assure your awakening before you get to the gun."

This same department says, "The Police Officer should spend a great deal of effort toward educating and training his family as to the potential danger of the revolver which he must bring into the home."

NOTE TO THE INSTRUCTOR: This foregoing material has been presented not so much as a solution to the problem as an indication that it exists and needs treatment by you. Your fellow officers need their attention focused on it as one which will be present continually. This is especially true if there are children in the home. They should be warned, as well, that their concern should extend itself to any neighboring children who might visit in the home.

### III. SPECIAL SAFETY CONSIDERATIONS

It is virtually impossible to anticipate all of the situations

in which an officer, through thoughtlessness, lack of experience, or laziness, may increase the possibility of an accident. There is one situation which can be anticipated, however, the officer will have to change clothing while armed and he will also go to the toilet. Generally, removing the holster and the revolver will solve the problem. It can be placed on a shelf, put in the coat or jacket pocket, or even placed in the crotch of the trousers. The point is that the gun must be under control, *regardless of what the officer is doing!* It must be placed so that it cannot fall. It must be placed so that it is not available to another person.

I. Deadly Force

- is force which is intended to cause or which is likely to cause death or serious bodily injury.

- use of a firearm is always "deadly force."

II. When can a Police Officer use Deadly Force?

there are two situations where a police officer is legally justified in using deadly force.

- 1) Self-Defense/Defense of others
- 2) Fleeing Felon (in limited situations)

III. Shoot to Stop vs. Shoot to Kill.

- When using deadly force a police officer is legally justified in shooting to stop an individual who is using or threatening to use (Imminent) deadly force.

- a police officer is not justified in shooting to kill an individual. He is only justified in shooting to stop.

- a police officer does not shoot to kill or to wound, he shoots to STOP. a wounded suspect or a dead suspect may be the result, but the police officer only is justified in shooting to stop.

- when a police officer uses his firearm. as allowed by law, three things may occur:

- 1) the officer will miss
- 2) the suspect will be wounded and survive.
- 3) the suspect will be killed.

No matter what the personal feelings of the officer are, he has no control over what happens to the suspect once his weapon has been discharged. What happens is a result over which he has no control. Although there is a much greater possibility that a person with a chest wound will die as opposed to a person with a leg wound the result is definitely beyond the officer's control.

A combination of factors will result in the final determination as to whether a person who has been shot will live or die. These factors include but are not limited to;

- specific shot placement
- age of suspect
- health of suspect
- will to survive

IV. When is a suspect Stopped?

- a suspect is stopped when he is effectively prohibited from using or threatening the use of deadly force.

- this determination can only be based on the totality of circumstances involved in the incident.

- a police officer is not required to count his shots.

Example #1

A police officer in a self defense situation at a distance of ten feet from his assailant fires two shots. The suspect is hit and falls to the ground. The suspect's firearm slides fifteen feet from him.

This is an easy example of a suspect being effectively stopped. The officer must stop firing and now has a duty to aid the suspect. An officer continuing to shoot after the suspect has been effectively stopped puts the officer in a position of attempting to kill the suspect.

Example #2

A police officer in a self defense situation at a distance of twenty-five feet fires two shots. The suspect falls to one knee with his firearm still in his hand.

- This is an easy example of a suspect, after being shot, still reasonably being a threat of using deadly force. The officer is justified in shooting until the suspect is no longer in such a position.

V. Where is the officer's area of aim?

- when a police officer uses his weapon he should aim for an area commonly referred to as center of mass.

- Contrary to popular belief, center mass is not always going to be the area located directly above the sternum.

- the mass is the target area available for the officer to shoot at.

- center of the mass is the center of that area

- ie. if a suspect is shooting from a parked motor vehicle through the driver's window, center mass may be the throat area or even the head. That is the available target.

VI. Why do we shoot center mass?

- In order for a police officer to effectively stop an individual when he is legally justified in using deadly force, he must be able to hit his target.

- Under stress conditions of combat shooting, the best way to achieve accuracy and the goal of stopping the suspect is by shooting center mass.

- Theories of shooting a weapon out of a suspects hand or disabling type shooting are totally unrealistic Hollywood type approaches in combat situations.

- Attempts at disabling type shooting or warning shots only enhance an already acutely dangerous and life threatening situation.

CIVIL LIABILITY AND POLICE OFFICERS

I. SCOPE OF CIVIL LIABILITY

A. Those individuals who could be involved in a civil suit which results from an officer's action or lack of action.

1. Police Officer
2. Officers present but non-participants
3. Supervisor
4. Chief
5. Municipality
6. M.C.J.T.C.

II. THE MASSACHUSETTS TORT CLAIMS ACT

A. The Tort Claims Act allocates liability between governmental units and their employees and establishes a procedure for filing tort claims against the Commonwealth, municipalities, counties, and districts.

B. Pertinent provisions of the Tort Claims Act.

1. Allocates liability between governmental units and their employees.
2. Public employees are liable up to one hundred thousand dollars for property damage, personal injury, or death caused by negligent or wrongful act or omission of a public employee acting within the scope of his employment.
3. In allowing a right of recovery against the public employer, the Legislature took away the injured person's right to sue the negligent employee.
4. The public employee's exemption from liability is conditioned upon his cooperating with the public employer in preparing a defense to the civil action.
5. Any information the employee provides the employer in preparing a defense, may not be used against him in any disciplinary proceeding.
6. The public employer may, at its option, indemnify its employee for up to one million dollars for loss resulting from:
  - a. Intentional Torts
  - b. Acts or omissions which violate civil rights of a person under any federal or state law, provided the employee was acting within the scope of his official duties.
  - c. EXCEPTION: No employee may be indemnified for violations of civil rights if he acted in a grossly negligent, willful or malicious manner.

CIVIL LIABILITY AND POLICE OFFICERS (Continued)

II. THE MASSACHUSETTS TORT CLAIMS ACT (Continued)

B. Pertinent provisions of the Tort Claims Act (Continued)

6. (Continued)

- d. Public employers are not liable for any claim arising out of an intentional tort, including; 1) assault; 2) battery; 3) false arrest; 5) intentional mental distress; 6) malicious prosecution; 7) malicious use of process; 8) libel; 9) slander; 10) misrepresentation; 11) deceit; 12) invasion of privacy; 13) interference with advantageous relations; 14) interference with contractual relations.
  - e. Employees are liable for intentional torts for acts or omissions which constitute a violation of the civil rights of any person under any federal or state law.
- C. The two key provisions of the new Tort Claims Act; including:
- 1. If a police officer is acting within the scope of his police employment, he cannot be personally sued (if he fulfills his duties under the Act) for his negligent acts or omissions.
  - 2. If a police officer is acting within the scope of his employment, he may be indemnified up to one million dollars by his employer.

III. TOPIC

- A. Civil Rights Act, 42 U.S.C. 1983. The Act prohibits conduct which "shocks the conscience" and amounts to an excessive use of force under the circumstances.
- B. The factors the court must consider in determining whether the force used by a police officer is excessive:
  - 1. The need for application of force.
  - 2. The relationship between the amount of force that was used and the need for using force.



AUTO  
THEFT





## AUTO THEFT

Officers John Rock and John Reiley

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11. AUTO THEFT
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    2. Personal Property Loss
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    2. Use in Another Crime
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  - C. Standardization
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  - 2. Addition
  - 3. Digit Manipulation
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  - 1. Reliability
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  - 6. Name of Registrant

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  - 2. Signs of Alteration
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  - 2. Methods of Attachment

1X. METHODS OF ATTACHMENT

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  - 1. Testing
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- D. Non-Factory Securing
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  - 12. Dealer's Identification
  - 13. Damage
    - a. Windows
    - b. Weather stripping
    - c. Alteration Process
  - 14. Bondo
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  - 16. Painted and Missing VIN Plates
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- E. Weight of Photographic Evidence
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- K. Isolated Topic Presentation
- L. Chronology of Events
- M. Prior Auto Theft Involvement
  - 1. Defendant
  - 2. Police Officer

# 17 digit VIN decoding chart to verify the "CHECK DIGIT"

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

8	7	6	5	4	3	2	10	0	9	8	7	6	5	4	3	2

← Enter 17 digit VIN

← Assigned values of Table "X"

← Constant

← Add numbers for total

Final sum = (     ) ÷ 11

On line "A", above enter the 17 digit VIN.

On line "B", above enter the "assigned value" of each character of the VIN, utilizing table "X".  
 Multiply the numbers in line "B" with the numbers in line "C" (constant) for each of the 17 digit in the VIN. Record the product of each of these separate computations in the appropriate box in line "D".

Add together all of the numbers recorded in line "D" and enter the final sum in the space provided.

Divide the final sum by the number "11". The remainder of this division is the "CHECK DIGIT", (the 9th character of the 17 digit VIN). If the remainder of this division is a single digit number then it should match the "CHECK DIGIT" in the VIN exactly, if the remainder is the number "10" then the "CHECK DIGIT" is the letter "X".

TABLE "X"

A=1	J=1	T=3	1=1	6=6
B=2	K=2	U=4	2=2	7=7
C=3	L=3	V=5	3=3	8=8
D=4	M=4	W=6	4=4	9=9
E=5	N=5	X=7	5=5	0=0
F=6	P=7	Y=8		
G=7	R=9	Z=9		
H=8	S=2			

Assign to each number in the VIN its actual value and record that value in the appropriate box in line "B".

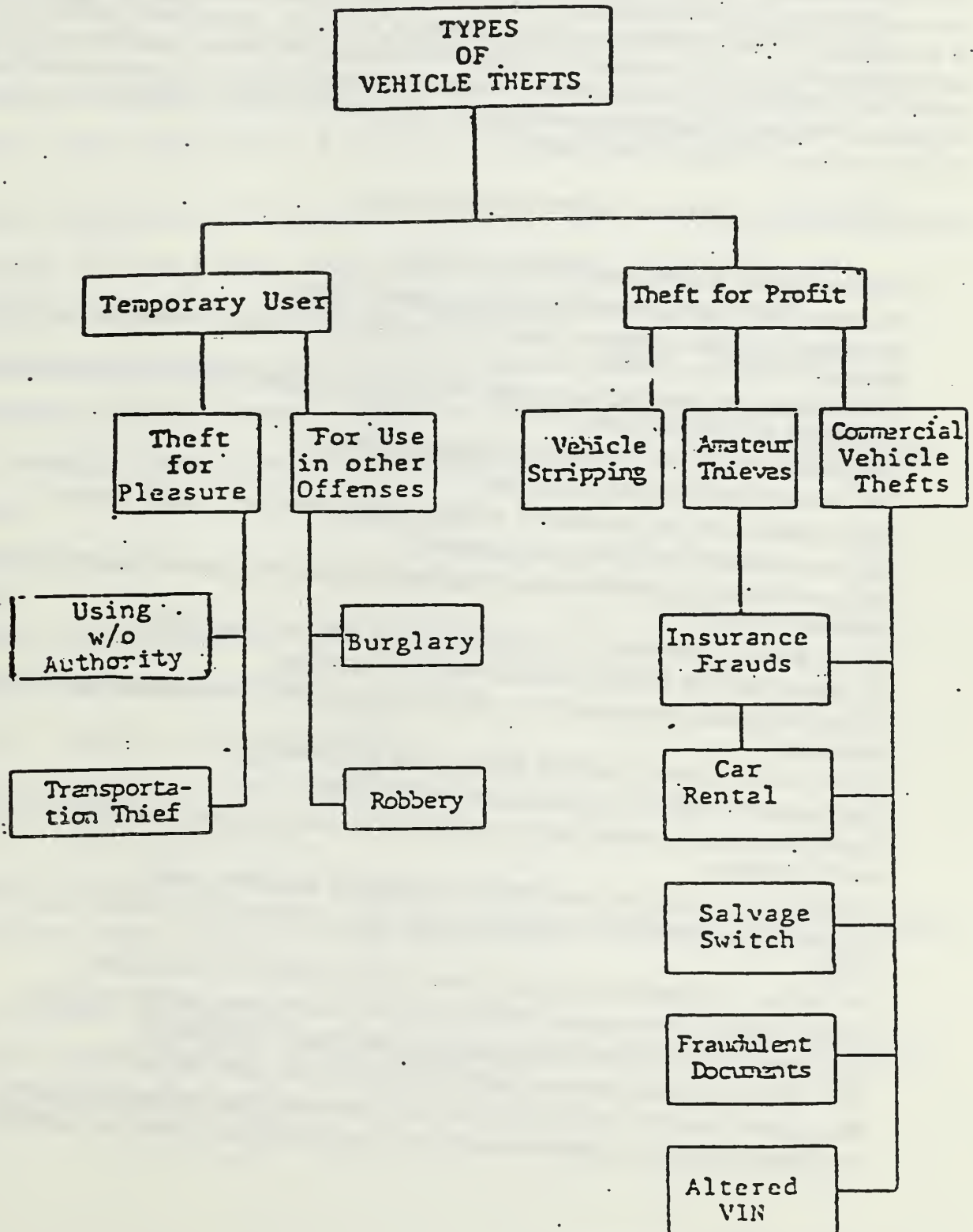
The letters of "I", "O" and "Q" are never used in the new 17 digit VIN's.

To determine the year of manufacture from the 17 digit VIN (character #10 of the VIN) use the below listed table.

1980=A	1981=B	1982=C	1983=D	1984=E	1985=F	1986=G	1987=H
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AUTO THEFT UNIT



Relationship of Various Types of Vehicle Thefts

## REFERRAL FOR SPECIAL THEFT-FRAUD INVESTIGATIONS

A combination of circumstances involving certain claims should suggest further investigation prior to claim settlement. All referrals by companies for special investigation should be reviewed and approved by an individual in a supervisory capacity. Such referrals should be made in writing to the manager of the division where the investigation will occur. In the event time is of the essence, this writing can be preceded by telephone contact with NATB, which will permit initiation of the investigation more expeditiously. Sufficient review of the claim file must be made, and all pertinent facts and documentation contained therein should be furnished to NATB at the time of written referral for special investigation.

Some circumstances which could indicate fraud are below.

The involvement of late-model, expensive vehicles.

The date of coverage and the date of claim closely related.

The insured furnishes address or phone number of a bar, hotel, or motel as a place to be contacted by claims adjuster.

The insured returns proof of loss or other written communication in person to avoid mailing in violation of mail fraud laws.

The insurance agent has never seen the insured vehicle.

The insurance premium was paid in cash.

The insurance agent has no previous or other business in effect with the insured.

Only comprehensive insurance was purchased.

The insured wants to retain title and salvage on a total loss where salvage appears financially infeasible to rebuild.

Title or proof of ownership is a duplicate issue or from a distant state.

The insured has just recently titled the vehicle in his name.

The insured presents an assigned title, still in the name of the previous owner, as his proof of ownership.

The insured is unable to produce title or proof of ownership.

The insured has failed to report the theft to the police.

The vehicle has no lien noted and the owner does not appear to have the means to have made a cash purchase.

The vehicle is reported to be expensively customized or a show model.

The vehicle was rebuilt, a previously recovered theft, or the subject of a prior major collision claim.

The vehicle was alleged to have been stolen prior to titling and registration.

Expensive articles were reported to have been in the vehicle at the time of theft.

The previous owner cannot be located or is unknown to the claimant.

The vehicle is reported stolen and recovered a short time later, burned.

The vehicle is reported stolen and recovered a short time later, stripped of interior.

The vehicle is reported stolen and recovered a short time later, extensively damaged.

NATIONAL AUTOMOBILE THEFT BUREAU

RESOURCES

THE NATIONAL AUTOMOBILE THEFT BUREAU MAINTAINS DIVISIONAL OFFICES LOCATED AT ATLANTA, CHICAGO, DALLAS, NEW YORK AND SAN FRANCISCO WITH BRANCH OFFICES LOCATED AT BOSTON, DETROIT, LOS ANGELES AND HOUSTON. ALL ARE EQUIPPED WITH MODERN HIGH SPEED DATA TERMINALS GIVING THEM FULL ACCESS TO NATB'S NORTH AMERICAN THEFT INFORMATION SYSTEM (NATIS). CURRENTLY, NATB MAINTAINS 2.5 MILLION ACTIVE ON-LINE RECORDS.

NATB EMPLOYS FULL TIME AGENTS STRATEGICALLY LOCATED THROUGHOUT THE COUNTRY TO HELP COMBAT MOTOR VEHICLE CRIME. THE MAJORITY OF THE BUREAU'S AGENTS ARE FORMER LAW ENFORCEMENT OFFICERS WITH INVESTIGATIVE EXPERIENCE IN ARSON AND VEHICLE THEFT. THE AGENTS INVESTIGATE SUSPICIOUS CASES, SERVE AS EXPERT WITNESSES, IDENTIFY STOLEN PROPERTY, WORK WITH LAW ENFORCEMENT GROUPS AS WELL AS PROVIDE TRAINING.

RECORDS

THEFT INFORMATION -

- (A) PASSENGER VEHICLES
- (B) TRUCKS - TRUCK TRACTORS
- (C) TRAILERS - SEMI-TRAILERS
- (D) MARINE EQUIPMENT
- (E) OFF ROAD EQUIPMENT

ACTIVE THEFTS REMAIN IN THE SYSTEM FOR A PERIOD OF FIVE (5) YEARS.

THEFT RECOVERY INFORMATION

THIS RECORD REMAINS IN THE SYSTEM FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF RECOVERY.

### SALVAGE

(A) ON ALL PASSENGER VEHICLES, TRUCKS, MARINE EQUIPMENT, OFF ROAD EQUIPMENT.

(B) EXOTIC AND EXPENSIVE OLDER VEHICLES ARE ALSO INDEXED.

SALVAGE RECORDS ARE MAINTAINED FOR VARIOUS DEGREES OF TIME DEPENDING UPON STATE REGULATIONS.

### INDEX RECORDS

INDEX RECORDS ARE STORED FOR TWO (2) YEARS AND INCLUDES ANY VEHICLE THAT MAY PROVIDE LEAD INFORMATION:

(A) EXPORTED VEHICLES.

(B) VEHICLES WANTED BY LAW ENFORCEMENT.

### IMPOUND RECORDS

VEHICLES THAT HAVE BEEN TAKEN INTO POLICE CUSTODY ARE RETAINED IN NATS FOR 180 DAYS.

### FACTORY ASSEMBLY RECORDS

NATS HAS OVER 350 MILLION MANUFACTURERS' RECORDS OF ASSEMBLY AND SHIPPI G.

AMERICAN MOTORS

VOLKSWAGON

TOYOTA

CHRYSLER CORP.

HARLEY DAVIDSON MOTORCYCLES

FORD MOTOR COMPANY

HONDA, KAWASAKI

GENERAL MOTORS

BRITISH LEYLAND MOTORS

AUDI

MERCEDES BENZ

PORSCHE

MACK TRUCKS

INTERNATIONAL TRUCK

NATS MAINTAINS LIAISON WITH ALL OTHER MANUFACTURERS AND CAN OBTAIN ASSEMBLY DATA ON OTHER FOREIGN VEHICLES.

#### VIN EDIT

NATB MAINTAINS A VIN EDIT TO PROVIDE LAW ENFORCEMENT AND CLAIMS PERSONNEL WITH CORRECT VIN INFORMATION. NATB HAS AUTOMATED MATHEMATICS TO COMPUTE THE CHECK DIGIT IN THE 17 CHARACTER VIN.

#### CHAINING

NATB ACTIVELY OBTAINS COMPONENT NUMBERS OF HEAVY EQUIPMENT AND CHAINS THE UNIQUE COMPONENT NUMBERS TO THE VIN.

#### SUSPECT VEHICLE

NATB GIVEN A PARTIAL VIN OR PARTIAL DESCRIPTION OF A STOLEN VEHICLE CAN PROVIDE A LIST OF PROBABLES.

#### PUBLICATIONS

- (A) PASSENGER VEHICLE MANUAL
- (B) COMMERCIAL VEHICLE MANUAL
- (C) MANUAL FOR INVESTIGATION OF AUTOMOBILE FIRES
- (D) JOURNAL, NEWSLETTER, MISCELLANEOUS

#### N.A.T.B.

THE NATIONAL AUTOMOBILE THEFT BUREAU IS A NON-PROFIT SERVICE ORGANIZATION SUPPORTED BY ASSOCIATED INSURANCE COMPANIES FOR THE PURPOSE OF ACTIVELY ASSISTING LAW ENFORCEMENT IN:

- . SUPPRESSING VEHICLE THEFTS INCLUDING HEAVY INDUSTRIAL AND MARINE EQUIPMENT
- . IDENTIFICATION OF VEHICLES OR EQUIPMENT BEARING ALTERED OR OBLITERATED IDENTIFICATION NUMBERS
- . INVESTIGATION OF PROFESSIONAL THEFT RINGS AND FRAUDS

- .. PEACE OFFICER EDUCATION IN VEHICLE IDENTIFICATION AND INVESTIGATIVE TECHNIQUES
- . MAINTAINING A MODERN COMPUTERIZED RECORD SYSTEM DESIGNED TO COMPLEMENT THE FOREGOING OBJECTIVES.



# *The Commonwealth of Massachusetts*

## *Registry of Motor Vehicles*

*100 Nashua Street, Boston 02114*

AUTO THEFT UNIT  
150 CAUSEWAY ST.  
BOSTON, MASS.  
727-8522

### A CHECK LIST TO REMEMBER.

1. When searching for a stolen vehicle, always be alert for the traffic violator, the reckless driver, and in some instances, the very cautious driver. Frequently, the cautious driver is driving a stolen auto and is attempting to avoid undue attention and detection.
2. Be suspicious of the driver who answers questions that have not been asked. He may be trying to divert your attention from signs that indicate the vehicle he is driving is stolen.
3. Check the key in the ignition lock - it may be a dummy key with no cuttings to open the lock.
4. Check the ignition lock. The cylinder may have been removed and the ignition turned on by the movement of the contact disc within the lock case.
5. Ask the suspect driver to turn off the motor and then try to restart it. There may be a jumper at the back of the ignition lock or there may be a substitute lock connected to the wire loom. In either case, the operator will have to reach for the substitute lock or jumper to restart the engine.
6. Check the operation of the ignition key in the door lock. Most cars are assembled so that the one key will operate the door and ignition locks. The second key will usually operate the glove compartment and trunk lid locks.
7. Compare the name on the operator's license with the names on the various papers in the glove compartment or the vehicle registration card.
8. If a license check has been made, compare the name on the operator's license with that of the legal owner. It may be different. Most of all ... do not hesitate to ask questions.
9. Examine the license plates to determine if they are affixed securely.
10. Be alert for signs of forced entry - broken vent glass, scratch marks along the door and the like.
11. Examine the VIN to determine if it has been changed or altered.
12. Keep in mind the location where stolen automobiles have been found in the past.
13. Stolen automobiles are not always recovered on the street; they are sometimes recovered in garages, parking lots or shopping centers.

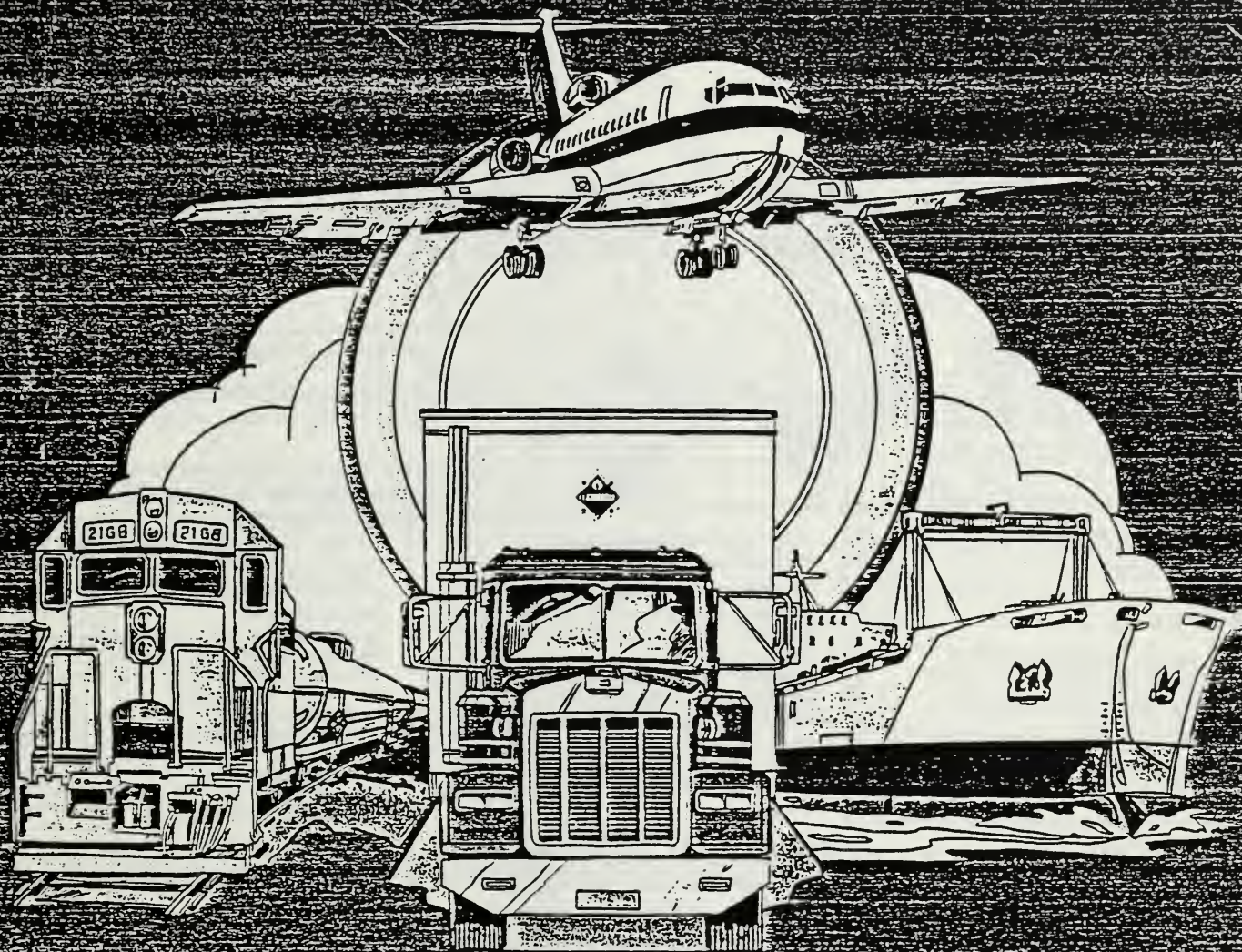




HAZARDOUS  
MATERIALS





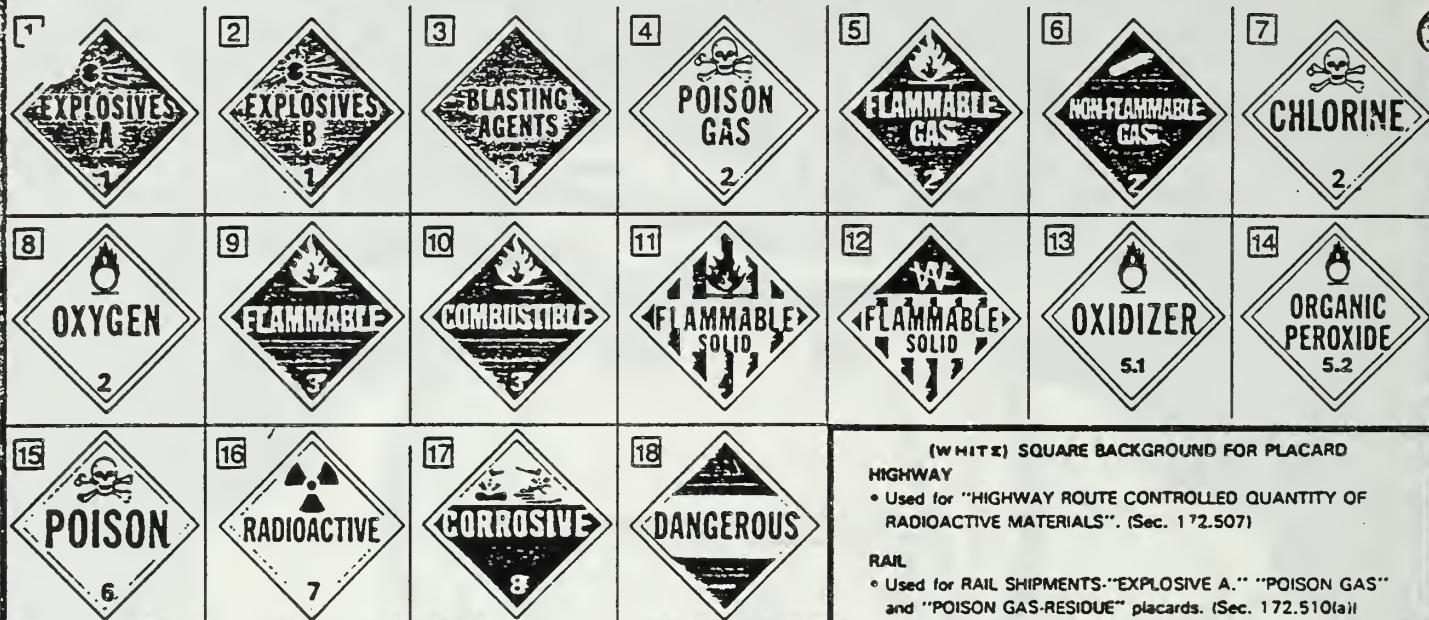


**THE OFFICIAL  
DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS  
PLACARDING & LABELING CHART**

# Hazardous Materials Warning Placards

## DOMESTIC PLACARDING

Illustration numbers in each square (1 through 18) refer to TABLES 1 and 2 below.



(WHITE) SQUARE BACKGROUND FOR PLACARD  
HIGHWAY

• Used for "HIGHWAY ROUTE CONTROLLED QUANTITY OF RADIOACTIVE MATERIALS". (Sec. 172.507)

RAIL

• Used for RAIL SHIPMENTS: "EXPLOSIVE A," "POISON GAS" and "POISON GAS-RESIDUE" placards. (Sec. 172.510(a))

### TABLE 1

HAZARD CLASSES	*NO.
Class A explosives	1
Class B explosives	2
Poison A	4
Flammable solid (DANGEROUS WHEN WET label only)	12
Active material (YELLOW III label)	16
Radioactive material:	
Uranium hexafluoride fissile (containing more than 1.0% U <sup>235</sup> )	16 & 17
Uranium hexafluoride, low-specific activity (containing 1.0% or less U <sup>235</sup> )	16 & 17

NOTE: For details on the use of Tables 1 and 2, see Sec. 172.504 (See footnotes at bottom of tables.)

### Guidelines

(CFR, Title 49, Transportation, Parts 100-177)

- Placard motor vehicles, freight containers, and rail cars containing any quantity of hazardous materials listed in TABLE 1.
- Placard motor vehicles, freight containers and rail cars containing 1,000 pounds or more gross weight of hazardous materials classes listed in TABLE 2.
- Placard freight containers 640 cubic feet or more containing any quantity of hazardous material classes listed in TABLES 1 and/or 2 when offered for transportation by air or water. Under 640 cubic feet see Sec. 172.512(b).

### CAUTION

CHECK EACH SHIPMENT FOR COMPLIANCE WITH THE APPROPRIATE HAZARDOUS MATERIALS REGULATIONS.

Proper Classification    Marking    Placarding  
Packaging    Labeling    Documentation

PRIOR TO OFFERING FOR SHIPMENT

### TABLE 2

HAZARD CLASSES	*NO.
Class C explosives	18
Choking agent	3
Nonflammable gas	6
Nonflammable gas (Chlorine)	7
Nonflammable gas (Fluorine)	15
Nonflammable gas (Oxygen, cryogenic liquid)	8
Flammable gas	5
Combustible liquid	10
Flammable liquid	9
Flammable solid	11
Oxidizer	13
Organic peroxide	14
Poison B	15
Corrosive material	17
Irritating material	18

## INTERNATIONAL PLACARDING

- Most International placards are similar (color and pictorial symbol(s) to the Domestic placards illustrated above.
- International placards are enlarged ICAO or IMO labels (See International Labeling—Otherside).
- Placard MUST correspond to hazard class of material.

- Placard ANY QUANTITY of hazardous materials when loaded in FREIGHT CONTAINERS, PORTABLE TANKS, RAIL CARS and HIGHWAY VEHICLES

- International placards may be used in addition to DOT placards for international shipments.

When required, *Subsidiary Risk placards* must be displayed in the same manner as *Primary Risk placards*. Class numbers are not shown on *Subsidiary Risk placards*.

- COMPATIBILITY GROUP-DESIGNATORS must be displayed on EXPLOSIVES PLACARDS.
- UN CLASS NUMBERS and DIVISION NUMBERS MUST be displayed on hazard class placards when required.

## UN and NA Identification Numbers

- The four digit UN or NA numbers must be displayed on all hazardous materials packages for which identification numbers are assigned. Example: ACETONE UN 1090.
- (United Nations) or NA (North American) numbers are found in the Hazardous Materials Tables. 172.101 and 172.102 (CFR, Title 49, Parts 100-199)
- Identification numbers may not be displayed on "POISON GAS," "RADIOACTIVE" or "EXPLOSIVE" placards. (Sec. 172.334)
- UN numbers are displayed in the same manner for both Domestic and International shipments.

When hazardous materials are transported in Tank Cars, Cargo Tanks and Portable Tanks, UN or NA numbers must be displayed on:

PLACARDS  
OR  
ORANGE PANELS



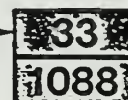
and



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### EUROPEAN NUMBERING SYSTEM—

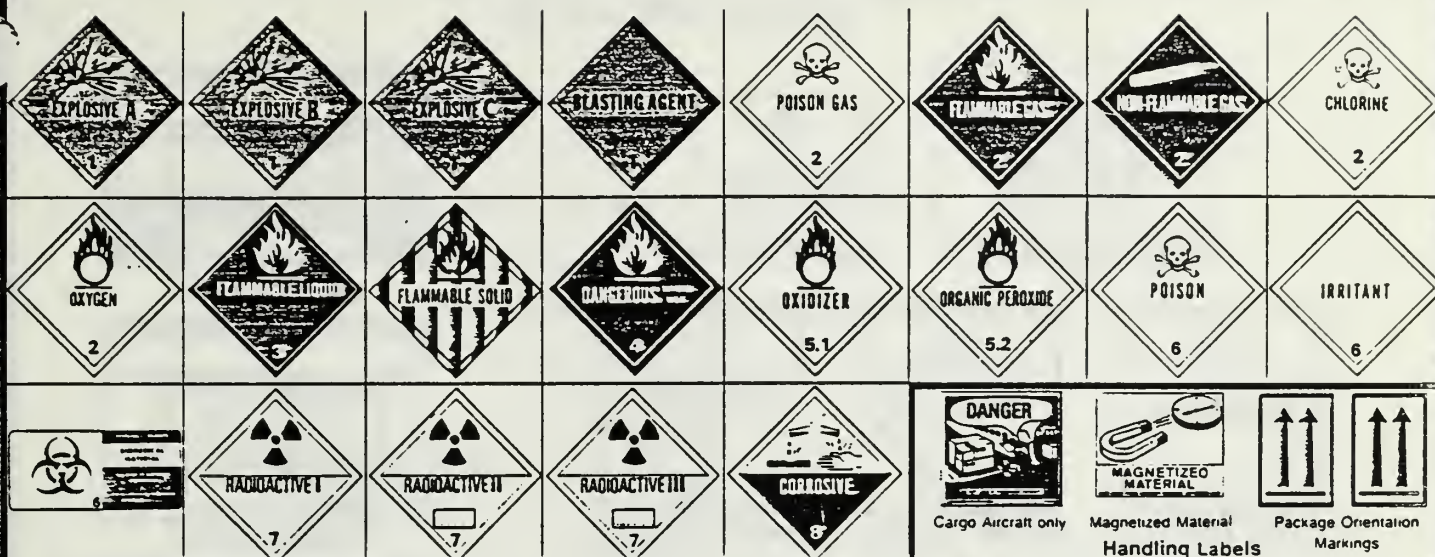
Top Number—Hazard Index (Identification of Danger, 2 or 3 figures) Example: 33 = highly inflammable liquid.



Bottom Number—UN Number of substance  
Example: 1088 ACETAL

# Hazardous Materials Warning Labels

## DOMESTIC LABELING



### General Guidelines on Use of Labels

(CFR, Title 49, Transportation, Parts 100-177)

- Labels illustrated above are normally for domestic shipments. However, some air carriers may require the use of International Civil Aviation Organization (ICAO) labels.
- Domestic Warning Labels may display UN Class Number, Division Number (and Compatibility Group for Explosives only.) Sec. 172.407(g).
- Any person who offers a hazardous material for transportation MUST label the package, if required. [Sec. 172.400(a)].
- The Hazardous Materials Tables, Sec. 172.101 and 172.102, identify the proper label(s) for the hazardous materials listed.
- Label(s), when required, must be printed on or affixed to the surface of the package near the proper shipping name [Sec. 172.406(a)].
- When two or more different labels are required, display them next to each other [Sec. 172.406(c)].
- Labels may be affixed to packages (even when not required by regulations) provided each label represents a hazard of the material in the package [Sec. 172.401].

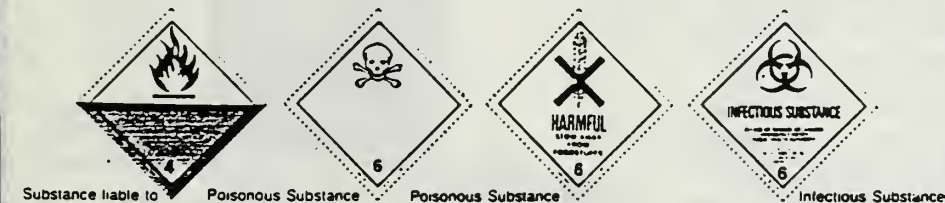
Check the Appropriate Regulations

Domestic or International Shipment

### UN Class Numbers

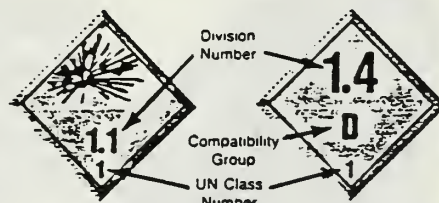
- Class 1—Explosives
- Class 2—Gases (compressed, liquified or dissolved under pressure)
- Class 3—Flammable liquids
- Class 4—Flammable solids or substances
- Class 5—Oxidizing substances
  - Division 5.1—Oxidizing substances or agents.
  - Division 5.2—Organic peroxides.
- Class 6—Poisonous and infectious substances
- Class 7—Radioactive substances
- Class 8—Corrosives
- Class 9—Miscellaneous dangerous substances

## INTERNATIONAL LABELING



### EXAMPLES OF INTERNATIONAL LABELS

- These are examples of International Labels not presently used for domestic shipments.
- Text, when used internationally may be in the language of the country of origin.
- Most of the domestic labels (illustrated above) may be used internationally.



### EXAMPLES OF EXPLOSIVE LABELS

- The NUMERICAL DESIGNATION represents the CLASS or DIVISION.
- ALPHABETICAL DESIGNATION represents the COMPATIBILITY GROUP (for Explosives Only)
- DIVISION NUMBERS and COMPATIBILITY GROUP combinations can result in over 30 different "Explosives" labels (see IMDG Code/ICAO).

For complete details, refer to one or more of the following:

- Code of Federal Regulations, Title 49, Transportation, Parts 100-199. [All Modes]
- International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air. [Air]
- International Maritime Organization (IMO) Dangerous Goods Code. [Water]
- "Transportation of Dangerous Goods Regulations" of Transport Canada. [All Modes]



U.S. Department of Transportation  
Research and Special Programs  
Administration

Available from  
American Labelmark Co.  
5724 N. Pulaski Rd. • Chicago, IL 60646  
Toll Free: 1-800-621-5808 • In Illinois: 312-478-0900

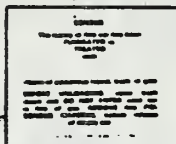
CHART 8  
REV. FEBRUARY 1986  
STYLE CU-F21

# OTHER REQUIRED PLACARDING, LABELING AND MARKINGS

For additional information, see CODE OF FEDERAL REGULATIONS—TITLE 49  
PARTS 100-177, 178-199



49CFR 173.3a(a)(b)



49CFR 172.510



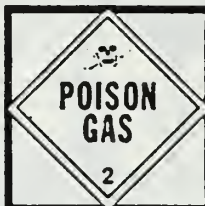
49CFR 172.316



49CFR 172.507(a)



49CFR 172.510(a)



49CFR 172.510(a)



49CFR 172.316

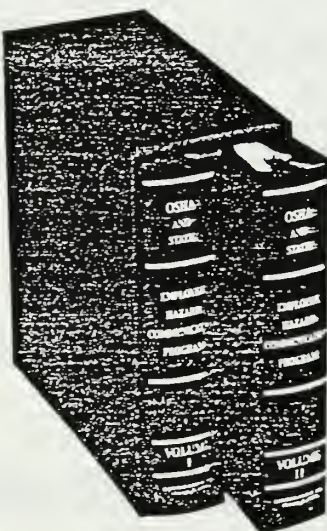


CYLINDER LABELS 49CFR 172.400(b)(2)(iii)



49CFR 172.316

## SIMPLIFIED, PROGRAMS FOR COMPLIANCE WITH OSHA RIGHT-TO-KNOW LAW AND EPA SQG\* LAW



### OSHA EMPLOYEE HAZARD COMMUNICATION PROGRAM

This comprehensive program explains, step by step, what you need to know and do to comply with OSHA and State Right-to-Know laws. And it contains all the materials you need—over 30 "Tools for Compliance"—to help you implement your efforts quickly and effectively.

#### EVERYTHING YOU NEED FOR IMMEDIATE COMPLIANCE

- POSTERS
- FORMS
- LABELS
- TRAINING OUTLINE
- MSDS'S
- AND MUCH, MUCH MORE.



### EPA— SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE WORKBOOK

The SQG\* Workbook is designed especially for the small business—written in non-technical language and concisely organized into 14 chapters which outline the steps to compliance. The inside pockets of the Workbook contain enough forms, labels and shipping manifests to keep the average SQG\* in compliance for a full year.

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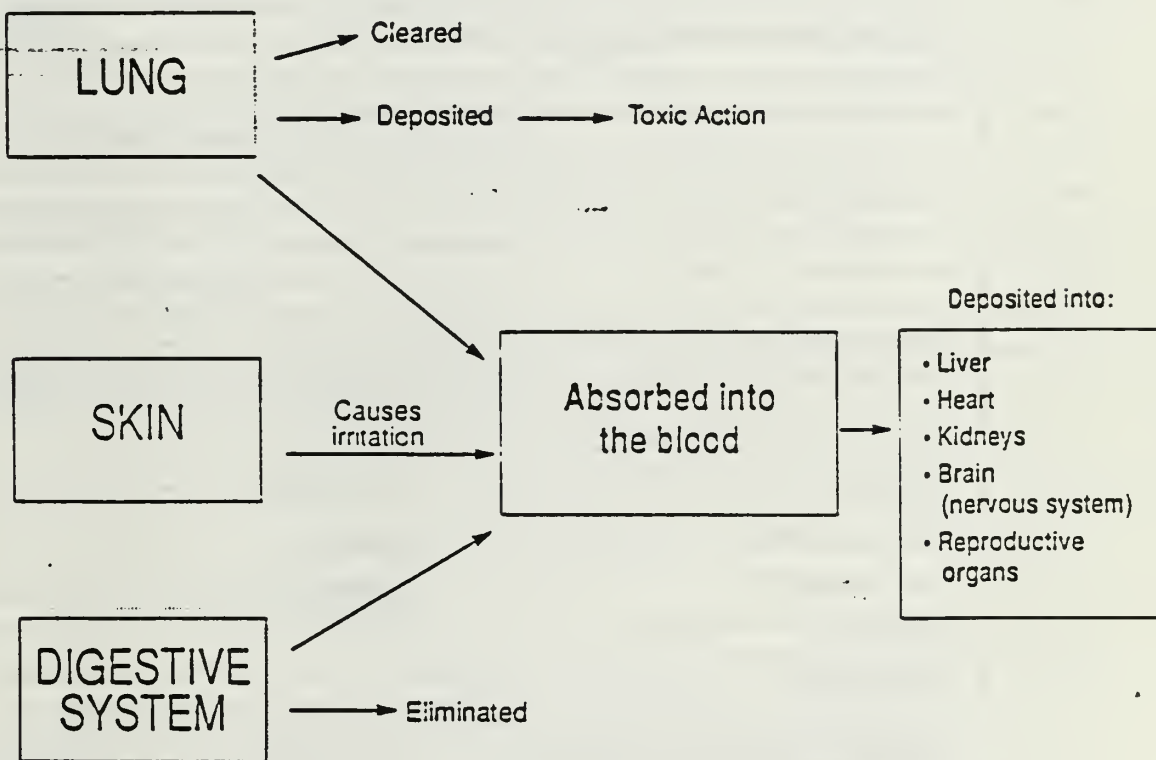
CALL TOLL-FREE FOR INFORMATION  
**1-800-621-5808**



American Laboratory Co.  
5724 N. Pulaski Road

# WHAT HAPPENS TO CHEMICALS IN THE BODY?

Routes of entry are  
through the:



## DEPOSITION OF CHEMICALS IN THE BODY

## Material Safety Data Sheet

May be used to comply with  
OSHA's Hazard Communication Standard.  
29 CFR 1910.1200. Standard must be  
consulted for specific requirements.

U.S. Department of Labor

Occupational Safety and Health Administration  
(Non-Mandatory Form)

Form Approved

OMB No. 1218-0072



## IDENTITY (As Used on Label and List)

Note: Blank spaces are not permitted. If any item is not applicable, or no information is available, the space must be marked to indicate that.

## Section I

Manufacturer's Name	Emergency Telephone Number
Address (Number, Street, City, State, and ZIP Code)	Telephone Number for Information
	Date Prepared
	Signature of Preparer (optional)

## Section II — Hazardous Ingredients/Identity Information

[illegible]

## Section III - Physical/Chemical Characteristics

Boiling Point		Specific Gravity ( $H_2O = 1$ )	
Vapor Pressure (mm. Hg.)		Melting Point	
Vapor Density (AIR = 1)		Evaporation Rate (Butyl Acetate = 1)	
Solubility in Water			
Appearance and Color			

## Section IV — Fire and Explosion Hazard Data

Flash Point (Method Used)	Flammable Limit	LEL	UEL
Extinguishing Media			
Special Fire Fighting Procedures			
Unusual Fire and Explosion Hazards			

(reproduce locally)

CSHA :74. Sec. 1925

**HEALTH HAZARDS/HAZARD RECOGNITION: Part 2**

**CHAPTER 2 - Page 34**

**Section V — Reactivity Data**

Stability	Unstable	Conditions to Avoid
	Stable	

Incompatibility (Materials to Avoid)

Hazardous Decomposition or Byproducts

Hazardous Polymerization	May Occur	Conditions to Avoid
	Will Not Occur	

**Section VI — Health Hazard Data**

Routes of Entry:	Inhalation?	San?	Ingestion?
------------------	-------------	------	------------

Health Hazards (Acute and Chronic)

Carcinogenicity:	NIPT	IARC Monographs?	CSHA Required?
------------------	------	------------------	----------------

Signs and Symptoms of Exposure

Medical Conditions  
Generally Aggravated by Exposure

Emergency and First Aid Procedures

**Section VII — Precautions for Safe Handling and Use**

Steps to Be Taken in Case Material is Released or Spilled

Waste Disposal Method

Precautions to Be Taken in Handling and Storing

Other Precautions

**Section VIII — Control Measures**

Respiratory Protection (Specify Type)

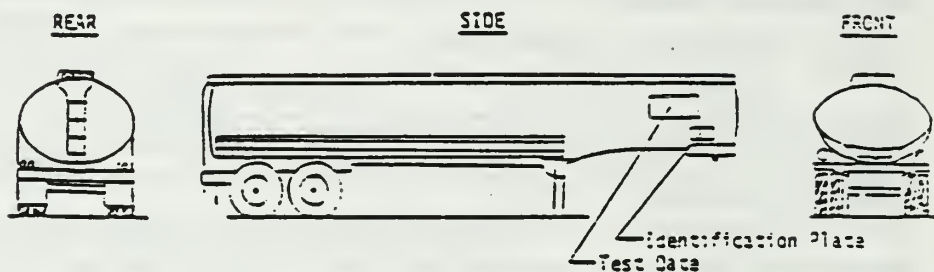
Ventilation	Local Exhaust	Special
	Mechanical (General)	Other

Protective Gloves	Eye Protection
-------------------	----------------

Other Protective Clothing or Equipment

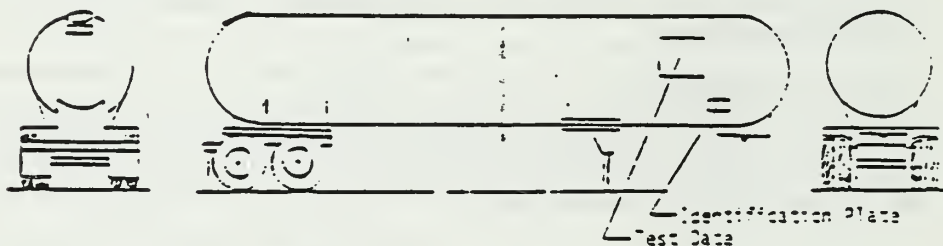
Work Hygienic Practices

TANK TRAILER SILHOUETTES

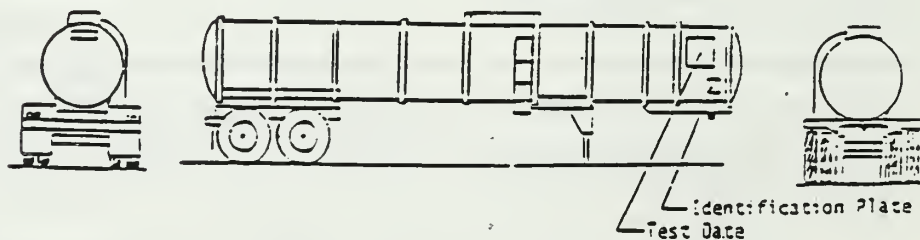


Flammable liquids, Poison 3

Note: A round or "tear drop" cross-section is also common  
(Flammable liq., Poison 3, Mild Corrosives)



Compressed/Liquidified Gases



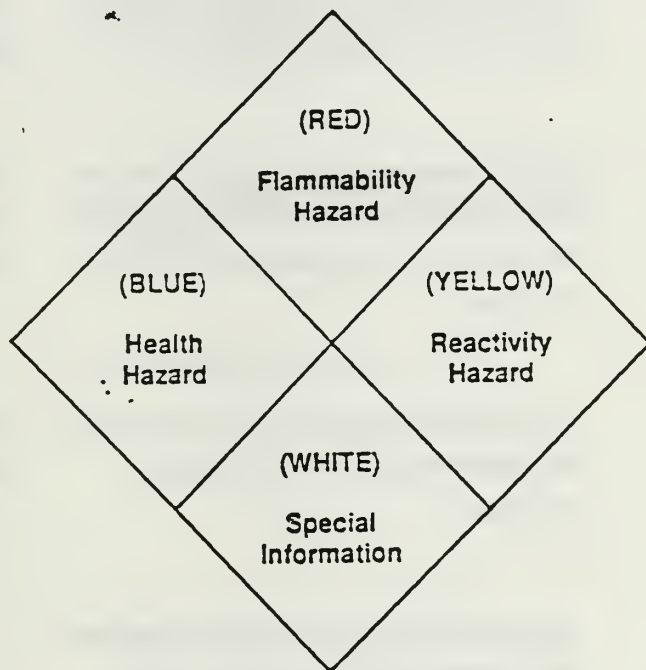
Corrosives

## NFPA 704 M Hazard Identification System

### DESCRIPTION

NFPA 704M is a standardized system which uses numbers and colors signs to define the basic hazards of specific materials. Health, Flammability, and Reactivity are identified and rated on a scale of 0 (no hazard) to 4 (high hazard) depending on the degree of hazard presented (See figure below).

The ratings for individual chemicals can be found in the NFPA "Guide to Hazardous Material". Other references such as the U.S. Coast Guard manual, CHRIS Volume 2 and the National Safety Council's "Fundamentals of Industrial Hygiene" contain the NFPA ratings for specific chemicals. Such information can be useful not only in emergencies but also during long-term remedial activities when extensive evaluation is required.



NFPA 704 M HAZARD IDENTIFICATION SYSTEM

SUMMARY OF NFPA HAZARD RANKING SYSTEM

A. HEALTH HAZARD (BLUE)



<u>RANK NUMBER</u>	<u>DESCRIPTION</u>	<u>EXAMPLES</u>
4	Materials that on very short exposure could cause death or chronic injury even though prompt medical treatment was given.	Acrylonitrile Bromine Parathion
3	Materials that on short exposure could cause serious temporary or chronic injury even though prompt medical treatment was given.	Aniline Sodium hydroxide Sulfuric acid
2	Material that on intense or continued exposure could cause temporary incapacitation or possible residual injury unless prompt medical treatment was given.	Bromobenzene Pyridine Styrene
1	Materials that on exposure would cause irritation but only minor injury even if no treatment was given.	Acetone Methanol
0	Materials that on exposure under fire conditions would offer no hazard beyond that of ordinary combustible material.	

B. FLAMMABILITY HAZARD (RED)



<u>RANK NUMBER</u>	<u>DESCRIPTION</u>	<u>EXAMPLES</u>
4	Materials that (1) rapidly or completely vaporize at atmospheric pressure and normal ambient temperatures and burn readily or (2) are readily dispersed in air and burn readily.	1, 3 Butadiene Propane Ethylene oxide
3	Liquids and solids that can be ignited under almost all ambient temperature conditions.	Phosphorus Acrylonitrile
2	Materials that must be moderately heated or exposed to relatively high ambient temperatures before ignition can occur.	2-Butanone Kerosene
1	Materials that must be preheated before ignition can occur.	Sodium Red phosphorus
0	Materials that will not burn	

C. REACTIVITY HAZARD (YELLOW)



<u>RANK NUMBER</u>	<u>DESCRIPTION</u>	<u>EXAMPLES</u>
4	Materials that are readily capable of detonation or of explosion or reaction at normal temperatures and pressures.	Benzoyl peroxide Picric acid
3	Materials that (1) are capable of detonation or explosive reaction but require a strong initiating source or (2) must be heated under confinement before initiation or (3) react explosively with water.	Diborane Ethylene oxide 2-Nitropropadene
2	Materials that (1) are normally unstable and readily undergo violent chemical change but do not detonate or (2) may react violently with water or (3) may form potentially explosive mixtures with water.	Acetaldehyde Potassium
1	Materials that are either normally stable but which can (1) become unstable at elevated temperatures or (2) react with water with some release of energy but not violently.	Ethyl ether Sulfuric acid
0	Materials that in themselves are normally stable, even when exposed to fire, and that do not react with water.	

D. SPECIAL INFORMATION (WHITE)



The white block is designated for special information about the chemical. For example, it may indicate that the material is radioactive by displaying the standard radioactive symbol, or unusually water-reactive by displaying a large W with a slash through it (W). For a more complete discussion of these various hazards, consult the NFPA Standard 704 M.

## DOT Hazard Identification System

The DOT's Hazardous Materials Transportation Administration regulates over 1,400 hazardous materials. The regulations require labels on small containers and placards on tanks and trailers. These placards and labels indicate the nature of the hazard presented by the cargo. The classification used for the placards and labels is based on the United Nations (UN) Hazard Classes. (See Table below). The UN hazard class number is found in the bottom corner of a DOT placard or label.

### UN HAZARD CLASS SYSTEM -

#### United Nations

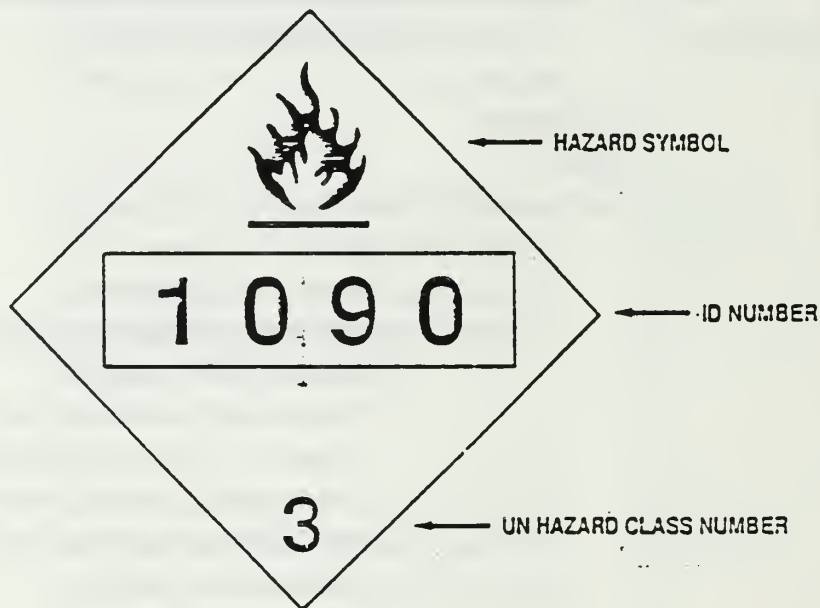
#### Hazards

#### Class Number

#### Description

1	Class A, B, and C Explosives
2	Nonflammable and flammable compressed gases
3	Flammable liquids
4	Flammable solids, spontaneously combustible substances, and water-reactive substances
5	Oxidizing materials, including organic peroxides
6	Class A and B poisons, irritants, and etiologic (disease-causing) materials
7	Radioactive materials
8	Corrosive materials (acid, alkaline liquids, and certain corrosive liquids and solids)
9	Miscellaneous hazardous materials not covered by any of the other classes

In addition to the UN hazard class number, the placards display a four-digit identification (ID) number (See figure below). This number comes from the Hazardous Material Table in the DOT regulations, 49 CFR 172.101. This ID number also must be written on the shipping papers or manifest. In the event of an incident, this number on the placard will be much easier to obtain than the shipping papers. Once the number is obtained, the DOT's "Emergency Response Guide Book" can be consulted. This book describes the proper methods and precautions for responding to release of each hazardous material with an ID number. The DOT system goes one step further than the NFPA system in aiding response personnel. However, using both systems when responding to hazardous material incidents will help to properly identify and characterize the materials involved.



MODIFICATION OF DOT HAZARD IDENTIFICATION SYSTEM

## *DOT Labels And Placards - A Summary*

### Placard Identification features:

- Color
- Symbol
- UN classification system number
- Hazard class name
- 4 digit ID number

### Color Identification clues:

- orange = explosive
- red = flammable
- green = non-flammable
- yellow = reactive
- white = poisonous
- white/red vertical stripes = flammable solid
- white over black = corrosive
- two colors = two major hazards

### Symbol and hazard class name:

- bursting ball = explosive
- flame = flammable
- slash W = dangerous when wet
- skull and cross bones = poisonous
- circle with flame = oxidizing material
- cylinder = non-flammable gas
- propeller = radioactive
- test tube/hand/metal = corrosive

Any amount of the following must be placarded:

- Class A and B explosives
- Poison A
- Radioactive (yellow III label)
- Dangerous when wet flammable solids

For all other hazard classes, placards are required for vehicles carrying more than 1000 pounds total weight of these hazardous materials. This is important because a truck that is not placarded may be legally carrying hazardous materials, but in a quantity less than necessary to be placarded.

Mixed loads are often placarded as  
**DANGEROUS.**

## TO CONTROL AND CONTAIN HAZARDS AT THE SITE

- Establish 3 Work Zones around the incident (see below).
- Remove Contaminants from all clothing, people, skin and equipment in the Decontamination Reduction Zone.
- Keep people and equipment away.
- Allow as few workers as possible to get close to the source of contamination (just enough manpower and equipment to get the work done).
- Separate clean areas from dirty areas (Establish Work Zones).
- Regulate entry to and exit from work zones.
- Conduct operations so as not to raise dust.
- Set up a decontamination line where clothes, workers and equipment are thoroughly washed off.
- Discard everything that can not be thoroughly cleaned. Stains, discoloration and visible changes in the fabric (blistering) are some signs that a suit has been affected.
- Leave the environment unpolluted by catching the decontamination water runoff.

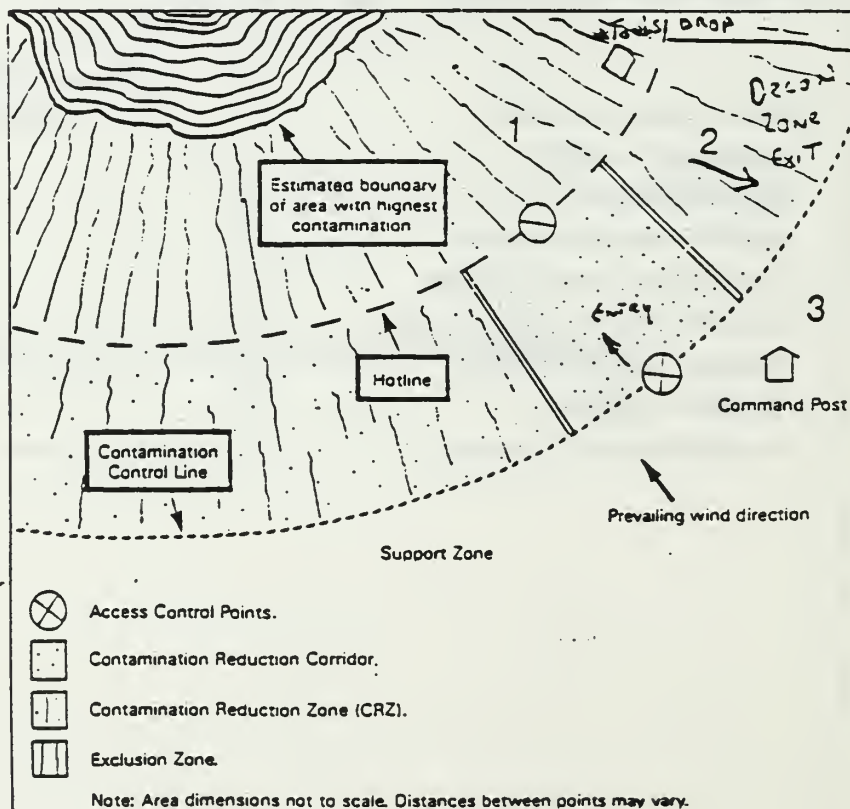
## SITE WORK ZONES

(From: *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities*. NIOSH, 1985.)

- ZONE 1:  
Hot Zone  
Dirty Zone  
Exclusion Zone

- ZONE 2:  
Contamination  
Reduction Zone  
Warm Zone

- ZONE 3:  
Clean Zone  
Support Zone  
Cold Zone



## HAZARDOUS MATERIALS RECOGNITION & IDENTIFICATION

### GENERAL HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS.

Where are the applicable regulations found ?

The Hazardous Materials Transportation Act, along with other Federal rules, is translated into regulations found in a document called the Code OF Federal Regulations (CFR). Various department agencies and commissions of the Federal Government have their own portions of CFR that are called "TITLES". The Department of Transportation (DOT), for example, has its regulations contained in Title 49 (called 49CFR). Other titles commonly referred to for transportation matters include : 10 CFR for the Nuclear Regulatory Commission (NRC), 39 CFR for the Postal Service, and 40 CFR for the Enviromental Protection Agency (EPA). Almost all regulations dealing with the transportation of hazardous materials are found in 49 CFR.

"Title 49-Transportation" is composed of eight volumes, which are divided by chapters ( I through X) and parts (1 through 1300). The chapters are further divided into subchapters. Fortunately, the regulations concerning hazardous materials transportation are located in a single volume. On a day-to-day, shipments-to-shipment basis, Parts 171-177 of 49CFR are what you will be dealing with 95 percent of the time. We commonly refer to section numbers (e.g., 171.101 or 173.403) for ease of communication.

**HAZARDOUS CHEMICALS** - Hazardous materials are referred to as hazardous chemicals when they are manufactured. When they are transported, they become hazardous materials if they are so designated by the regulations. After they have fulfilled their usefulness and are no longer required, they become hazardous wastes and require disposal. If they are spilled, they become hazardous substances if so designated by the regulations covered under the Clean Water Act and Superfund.

A **HAZARDOUS MATERIAL** is a substance or materila which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

A **HAZARDOUS SUBSTANCE** is a material, and its mixtures or solutions, that are identified by the letter "E" in column 1 of the table in 172.101 when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ).

**HAZARDOUS WASTE** is any materials that is subject to the hazardous waste manifest requirements if the EPA specified in 40 CFR Part 262.

2. What materials are considered hazardous ?

There are literally thousands of substances, materials, or chemicals that are transported in commerce. Some of these are completely safe, others are slightly dangerous, and still others are highly dangerous. Some can explode, others are poisonous, and still others are radioactive. The type of dangers present is classified by its hazard class. Approximately 22 hazard classes have been defined, which include such terms as:

Class A Explosives	Organic Peroxides
Class B Explosives	Oxidizers
Class C Explosives	Poison A
Blasting Agents	Poison B
Combustible Liquids	Irritating Material
Corrosive Material	Etiologic Agent
Flammable Liquid	Radioactive Materials
Flammable Gas	ORM(Other Regulated Materials)
Nonflammable Gas	Including ORM-B/B/C/D/E
Flammable Solid	

3. Can hazardous materials have multiple hazards ?

Although the hazard class has been assigned to a specific material by the regulations, do not assume that only one hazard exists in all cases. Many substances have more than one hazard. Flammables may also be corrosive, corrosive material may also be a poison B and radioactive material may be corrosive, flammable, or poisonous. Many chemicals give off toxic vapors and pose extreme inhalation danger. Some materials have extremely high vapor pressures and pose serious expansion problems that may endanger the responders. Organic peroxides pose multiple problems and can explode with great force when exposed to certain conditions (fire usually). The responder must be trained to use extreme caution before making decisions on how to handle certain chemicals, and must in all situations know exactly what chemicals he is dealing with and how they will react in a given situation.

4. How do the regulations specify the shipping precautions that are required ?

The Hazardous Material Table is considered the most important single section of the regulations. If you enter the table at the wrong section, there is no way you can make your shipment correctly. In the case of emergency response, you could not obtain the correct information needed to handle the emergency situations. In this table, the following items are specified:

## HAZARDOUS MATERIALS OVERVIEW

The needs of modern day industry, to manufacture consumer products, include materials that are relatively new and certainly hazardous. Corrosive acids, pyrophorics and radioactive materials are all used to meet the hi-tech material demands of modern day mankind. However, this over-abundant demand has exponentially increased the risk of incidents by the simple virtue that there are more products to be handled, transported, manufactured and stored. Since history highlights hundreds of examples of human error and failures of technology, planning, equipping, and training for response to these incidents would not be undue.

Marine traffic on San Francisco Bay and aircraft above were rerouted as a spill of 9,000 pounds of silicone tetrachloride rolled across the bay. More than 10,000 people were evacuated from the area and 28 people, mostly emergency workers, were hospitalized.

A leaking propane gas tank at a battery recycling plant in Wallkill, N.Y., exploded and killed five workers and left a crater six-feet deep.

A truck crashed into a freight train in the center of Marshville, N.C. Two rail tankers carrying 200,000 gallons of methanol exploded, destroying some buildings and forced the evacuation of 2,000 people.

In the middle of rush hour, one of three cells on a tanker split open on the New Jersey Turnpike and 4,000 gallons of hydrochloric acid spilled and forced the closing of 15 miles of packed highway near Elizabeth. Five police officers, seven firefighters and more than a dozen motorists were hospitalized for treatment of severe burns from the acid.

A fireball was visible for 20 miles after a freight train carrying isobutane, alcohol and sulfuric acid derailed and exploded near Murdock, Ill. Two of the isobutane tank cars exploded (B.L.E.V.E.-BOILING LIQUID EXPANDING VAPOR EXPLOSION) and parts of the cars were thrown almost half a mile and people within four miles of the accident were evacuated. Eight emergency workers were treated for chemical exposure.

A Michigan State Trooper died and several other officers were hospitalized after being exposed to fumes from 3,200 gallons of fluorosulfonic acid released when 14 cars of a freight train derailed in the downtown section of Bridgeman. Many of the town's 2,400 were exposed before their evacuation was ordered.

Fifteen firefighters were hospitalized after rain seeped into a damaged drum of an unidentified chemical stored behind a newly completed shopping center in Worcester, Mass. Fire officials say that hundreds of people could have been harmed by toxic fumes if the business area was open for business.

A. Definitions

1. The phrase "hazardous materials" is generally acknowledged as DOT terminology and identifies generically those products that present hazards in transport such as explosives, oxidizers, corrosives, compressed gases, and flammable liquids. Specifically 49 CFR SUBPART 171.8 of the DOT regulations states that a "hazardous materials" is a substance, or material, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and which has been so designated.
2. Another, perhaps more useful definition of hazardous material is any liquid, gas, solid, dust or vapor that can damage or destroy by explosion, burning, poisoning, corrosion, suffocation, infection or toxic reaction.
3. The Federal Water Pollution Control Act (PL 92-500) as amended by the Clean Water Act of 1977 defines a "hazardous substance" generally as "...an element or compound, other than oil, which when discharged into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the Contiguous Zone...present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, wildlife, shell fish, shorelines, and beaches." This Environmental Protection Agency (EPA) hazardous substance definition primarily relates to toxicity, essentially ignoring reactivity, flammability, explosivity, corrosiveness, etc. This law enforced by the EPA is primarily concerned with substances that are toxic to the environment.

materials.

C. Accidents and Releases

A better understanding of the frequency and seriousness of hazardous material incidents can be obtained by looking at what has happened in the past. The exact magnitude of the problem is difficult to obtain because there is no mandatory uniform reporting system for all types of hazardous material incidents. What is logged differs greatly from state-to-state with some reporting the most minor event and others keeping little information even about disasters.

The single major exception to the lack of reporting is in the area of transportation. Under federal law all hazardous material accidents, spills or leaks that occur while the material is being transported must be promptly reported to the Department of Transportation, and for the most part, they are. The Department of Energy's Transportation Technology Center at Sandia National Laboratories also runs a very carefully designed and thorough data bank for radiological transport incidents.

Each year there are hundreds of fires, explosions and incidents of contamination caused by, or at least involving, hazardous materials. However, most experts agree that hazardous materials are most likely to cause trouble while they are being transported and that is precisely where the greatest number of incidents occur.

For example, during the 12 years covered by DOT's Hazardous Materials Information System data bank, there were 157,792 incidents reported. According to DOT, these incidents were responsible for 741 deaths, 11,886 injuries and more than \$250 million in damages to property.

These incidents, which occurred from 1971 to the end of 1983, can be broken down by mode of transportation.

1. Highway  
118,725 incidents  
250 deaths  
4,974 injuries
2. Rail  
10,749 incidents  
42 deaths  
2,465 injuries

3. Aircraft  
1,643 incidents  
4 deaths  
98 injures
4. Ships and Barges  
258 incidents  
0 deaths  
84 injuries
5. Pipelines (liquid and gases)  
26,133 incidents  
448 deaths  
4,204 injuries

Two facts must be acknowledged to put these statistics in proper perspective. First, the almost 120,000 highway incidents mentioned reflect a period during which hundreds of millions of gallons of hazardous materials were spilled or released by trucks. The second point is that under the old DOT system, "any" amount spilled or released had to have been reported. Many of the incidents involved very small quantities of chemicals, in some cases, less than a gallon. DOT is now developing a new reporting basis that will better reflect serious incidents.

To put these figures into a more useful frame of reference, let's isolate just the serious incidents that occurred in a two year period, 1982 and 1983. In those 24 months there were 220 hazardous material incidents. Highway incidents led with 158 accidents that took 22 lives and injured 220 people. There were 61 rail incidents that led to the injury of 108 people. There was a single serious water incident that injured one person and there were no serious air incidents that involved hazardous materials.

## IDENTIFICATION AND PACKAGING OF HAZARDOUS MATERIALS

### A. Classes of Hazard

The chemical industry has said that more than 38,000 substances meet the criterion of being hazardous. To make evaluation and identification of these materials more manageable, the enormous group of chemicals have been reduced and classified into several specific classes of hazard. There may be thousands of different chemicals in each class but at least the classification is a beginning in the complex identification process.

There are nine basic classes of hazardous materials used for hazard recognition, some of which may have sub-classification of hazard as well. The basic classes

are:

	<u>Basic Classes</u>	<u>Subclasses</u>
<u>Class 1</u>	Explosives	Explosives A Explosives B Explosives C Blasting Agents
<u>Class 2</u>	Gases	Compressed, liqui- fied or dissolved under pressure. flammable/non-flamm- able.
<u>Class 3</u>	Flammable liquids	Combustible liquid, pyrophoric liquids
<u>Class 4</u>	Flammable solids	
<u>Class 5</u>	Oxidizing Substances	Organic peroxides
<u>Class 6</u>	Poisonous & Infectious Substances	Poison A Poison B Irritating Materials Etiological Agents
<u>Class 7</u>	Radioactive Materials	Class I, II, III
<u>Class 8</u>	Corrosives	
<u>Class 9</u>	Miscellaneous Dangerous Substances	ORM-A, ORM-B, ORM-C, ORM-D(consumer commodities) ORM-E (Hazardous Waste)

A brief description of the hazard class and subclasses follows:

**1. Explosives:**

Any mixture, compound or chemical or mechanical device designed to function by explosion, thus generating the instantaneous release of heat and gas.

The Department of Transportation divides explosives into four classes. They are:

- a. Class A, which is the most dangerous of the four and is very sensitive to heat, impact and shock. Examples includes dynamite, and nitroglycerin.

An enormous amount of this material can explode at one time, such as a huge complex of warehouses or a long train of rail cars. A fire or explosion in one can often set off everything around it.

- b. **Class B**, which includes very fast burning materials such as flares and solid rocket motors. This class of material includes materials that usually combines both a fuel and an oxidizer and is considered extremely difficult, if not impossible to control once it begins burning.
- c. **Class C** contains small amount of explosives such as fireworks and ammunition. While this class of material usually presents little danger piece by piece, a large quantity, such as full boxcar or truck load, can be very hazardous.
- d. **Blasting agents**, this material is used for blasting and is the most insensitive of the explosive class to shock and offers minimal threat of accidental detonation.

## 2. Gases

- a. **Flammable gases** are any compressed gas which meets the technical requirements such as low flammability limits and flame projection and usually ignite immediately when leaks or punctures occur.

Examples: LPG, propane, acetylene, hydrogen.

- b. **Nonflammable gases** are those other gases which do not fall under the flammable gas limits. However, it is important to note that several of the gases — which carry the green "nonflammable gas" label or placard can burn and have, in several cases, led to death and injury. Furthermore, nonflammable gases often present other serious health hazards which should be considered.

Examples: anhydrous ammonia, oxygen, nitrogen, hydrogen chloride.

## 3. Flammable and Combustible liquids

B. Where Are Hazardous Materials Found

Several years ago, congressional investigators classified 2,400 substances as hazardous materials. But that number is just the tip of a very large and rapidly growing ice berg, there are tens of thousands of specific chemicals that can harm humans, animals or the environment and more are discovered or created in laboratories each year.

It is no secret to most people that there are hazardous materials all around us, but what may be surprising is exactly how much of it there is and where it is found. Most of us can quickly identify that something possibly dangerous may be stored at the community's chemical plant, the local gas station or in the assortment of large cylindrical and spherical tanks on the outskirts of town. But what about the rest of the community?

For example, what is inside the seemingly endless line of rail cars that snake through town three or four times a day; or the hundreds of cylinders of compressed gases and vials of radioactive material at the local hospitals; or the pesticides, fertilizers and other chemicals stored in the farm supply warehouses; the vast assortment of jugs and jars at high school and college chemistry labs; or in the thousands of box trailers and cargo tankers that race the freeway or gases and liquids that flow beneath the ground in the networks of pipelines that criss-cross the nation?

It would be nice if all these materials were no longer hazardous after they have been used for their designated purposes, but for many, that is far from the truth. In fact, most experts agree that hazardous waste can be far more dangerous than the same materials in their pure unused state. This is due in large part to the fact that the rigid controls of proper labeling and packaging often no longer exist. The dangers are further compounded by the extremely high cost of properly and legally disposing of hazardous waste which often results in illegal transportation, storage and disposal of the material.

It is estimated that more than 250 million tons of chemicals are produced in the United States each year. This amount of production generates, according to the Chemical Manufacturers Association, more than 90 million shipments of hazardous materials which are transported in this country every year. The CMA estimates that in a normal year hazardous materials can be found in more than one million railroad tank cars, five million tank trucks, millions of tons surging through pipelines under enormous pressure and thousands of shipments sailing on the water and flying through the air. In other words, this means that one out of every three trains and one truck out of every ten is carrying hazardous

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To get an idea of what problems have been caused by incidents involving these specific hazards, the best source is again DOT's Hazardous Materials Information System. A word of caution that we will repeat frequently, is, that though for the most part, chemicals are classified by DOT as a single, primary hazard, many hazardous substances may present multiple dangers. Excluding pipeline incidents, that databank reports that from 1971 to 1983 the following incidents have been attributed to each hazard class:

<u>UN #</u>	<u>HAZARD CLASS</u>	<u>INCIDENTS</u>	<u>DEATHS</u>	<u>INJURIES</u>
3	Flammable Liquids	67,846	158	1,445
8	Corrosives	43,543	17	2,808
3	Combustible Liquids	5,638	13	193
6	Poisons (A & B)	5,638	1	633
5	Oxidizers (Org. Per)	2,783	1	174
2	Flammable Gas	2,206	65	857
2	NonFlammable Gas	1,774	28	1,057
4	Flammable Solids	781	2	281
9	Other reg Materials	754	1	53
7	Radioactive	664	0	0
1	Explosives	248	9	129
6	Etiologic Agents	11	0	8

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TOTAL	131,843	294	7,638
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Under the present DOT regulations an incident is any unintentional release, even a teacupful, thus, it should be remembered that most of the incidents mentioned above involve very small amounts of chemicals.

### C. Identification Systems of Hazardous Materials

There are several identification systems used for description of hazardous materials either in transit, storage, or in consumer usage.

#### 1. Labels and Placards

Both government and industry have acknowledged that the most vital information immediately needed to properly handle a hazardous materials incident is some method of quickly identifying what material is involved. To achieve this an identification system

that the material is still containerized.

**Class II:** Class II materials pose a slightly higher radioactive activity rate and would present a more serious condition if the container is breached.

**Class III:** Accordingly, Class III material presents the greatest degree of hazard for response personnel. However, stringent regulation and highly designed safeguard packaging have all but eliminated exposure risks of this class.

#### 8. Corrosives

**Corrosives** are materials that cause visible destruction or irreversible damage to human tissue or that has a severe rate of corrosion on steel.

Examples: sulfuric acid, hydrochloric acid, nitric acid, bromine.

#### 9. Other Regulatory Materials (ORM A, B, C, D, E,)

ORM materials are those that present an unreasonable risk to emergency responders but does not meet any of the definitions of the other hazard classes...

An example would be: ORM-D consumer commodities such as 1 gallon pails of flammable paint thinner. An example of ORM-E would be a hazardous waste that did not meet the definition of any of the other DOT hazard classes.

#### 10. Cryogenic Materials:

**Cryogenic materials**, while not a separate hazard class, pose a unique response hazard. These materials which are liquified gases, under pressure; all have temperatures below -200 degrees F.

These materials present different hazards to the response unit. Because of the cold, they can freeze living tissue and other materials, and the rate and toxicity of vaporized material can lead into other hazards such as flammable or toxic gases.

Examples: hydrogen, oxygen, nitrogen

#### B. Magnitude of Hazards

This hazard category deals with liquids which produce vapors which can be easily ignited. They are broken into two groups:

- a. **Flammable liquids** are any liquid which have a flash point of 100-degrees (F) or below. Examples are gasoline, acetone, toluene, benzene.
- b. **Combustible liquids** are those which have a flash point between 100-degrees (F) and 200-degrees (F) Examples: fuel oil, kerosine, asphalt, cresote Do not underestimate the dangers of combustible cargos. Combustible liquids carried in a tank truck or rail tanker sitting in a parking lot or rail car on a hot day can generate vapors or fumes just as flammable as those associated with flammable liquids.
- c. **Pyrophoric liquids** ignite spontaneously in dry or moist air at or below 150 degrees F.

Examples: Aluminum alkyls, alkyl borane

#### 4. **Flammable Solids**

These are solids, other than explosives, which are likely to cause fire through spontaneous chemical changes, friction, absorption of moisture or exposure to moisture. In other words, they can take off on their own, with little or no outside activity. This group also includes materials that are water reactive or spontaneously combustible. --Once these materials begin burning, they often generate toxic vapors and are sometimes very difficult to extinguish.

Examples: sodium, potassium, phosphorus, lithium matches, briquettes.

#### 5. **Oxidizers and Organic Peroxides**

That material which readily produces or yields oxygen to stimulate the combustion of other material. Should this class of material be allowed to mix with flammable liquids or other combustibles rapid burn-

ing could result. It was an oxidizer, ammonium nitrate, which exploded in the Texas City disaster that killed more than 500 people.

Examples: oxygen, calcium chlorate, magnesium perchlorate, hydrogen peroxide.

## 6. Poisons and Infectious Substances

- a. **Class A poisons** are those very toxic substances where a very small amount of the gas, or fumes from the liquid are dangerous to life and can cause immediate illness or death.

Examples: phosgene, hydrogen, cyanide, nitric oxide.

- b. **Class B Poisons** are those substances that are known or presumed to be toxic to man. It must be noted that even small amounts of many class B poisons can lead to death or serious injury.

Examples: parathion, arsenic, fluorine, chlorine

- c. **Irritating Materials** are substances which cause severe discomfort but usually not death nor extremely serious injuries.

Example: tear gas and other riot gases

- d. **Etiologic agents:**

Substances, such as micro-organisms or toxins, either natural or manmade, which may cause or transmit disease.

Example: anthrax, botulinus toxin, rabies, tetanus.

## 7. Radioactive Materials:

**Radioactive materials** are those materials which spontaneously emit ionizing radiation, which could damage living tissues.

Examples: Uranium hexafluoride, yellowcake, plutonium, I-131.

There are three subclasses which are divided according to degree of hazards; Class I, II, and III.

**Class I:** Class I materials present the least amount of radiation hazard to response personnel providing

that the material is still containerized.

**Class II:** Class II materials pose a slightly higher radioactive activity rate and would present a more serious condition if the container is breached.

**Class III:** Accordingly, Class III material presents the greatest degree of hazard for response personnel. However, stringent regulation and highly designed safeguard packaging have all but eliminated exposure risks of this class.

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#### C. Identification Systems of Hazardous Materials

There are several identification systems used for description of hazardous materials either in transit, storage, or in consumer usage.

##### 1. Labels and Placards

Both government and industry have acknowledged that the most vital information immediately needed to properly handle a hazardous materials incident is some method of quickly identifying what material is involved. To achieve this an identification system

has been implemented which is based on a diamond-shaped information card or placard which is affixed to containers of hazardous material. The first placards were developed in the early part of this century by the railroads as a method of telling its people what they were hauling. They first were used only on cars carrying gasoline or black powder.

Today, the warning diamond can be found in two forms which differ in size depending on the size of the container.

- a. Labels: a "label" is a four-inch square diamond shaped symbol that is affixed to individual drums, cylinders, boxes, bags and packages of hazardous materials. All entities that offer shipment and materials defined or hazardous must mark the container with the designated label which corresponds with its hazard class.

Additional labeling requirements by DOT specify that:

When two or more labels are required (i.e., poison, flammable liquid), they must be displayed next to each other.

When required, labels must be offered or printed on the surface of the container along with the printed name of the material.

Recent DOT activities require the poison label if material is an irritating material if shipped in 110 gallons units or more.

When materials such as Poison A, radioactive material and Class A explosives are shipped that meet other classifications hazards, they must be labeled for each hazard class, i.e., flammable liquid and poison.

Placards: a placard is larger than a label, 10 3/4" square inch, which must be displayed on four sides of larger shipping containers, such as rail cars, tank trucks, portable tank containers and bulk storage tankers. DOT regulations require that, with few exceptions, all shipments of hazardous materials must be placarded in all modes of transportation. An emergency responder must be aware of an important DOT exception to the rule. CFR 49, Subpart 172.504(C) directs that no placards are required on freight containers in highway transportation

mode, containing less than 1,000 pounds of one or more of the following materials:

UN Hazard Classification    DOT Required Placard 1000lb or more

Class C Explosives	Dangerous
Nonflammable gas(chlorine)	Chlorine
Nonflammable gas(fluorine)	Poison
Nonflammable gas(oxygen- pressurized liquid)	Oxygen
Flammable gas	Flammable Gas
Combustible liquid	Combustible
Flammable liquid	Flammable
Flammable solid	Flammable Solid
Oxidizer	Oxidizer
Organic Peroxide	Organic Peroxide
Poison B	Poison
Corrosive Material	Corrosive
Irritating Material	Dangerous
Radioactive I and II	No Placard Required

Dangerous placards are used for mixed loads of materials and for Class C explosives. Some materials must have the specific hazard class placard in use even when in a mixed load and in any quantity. There are no exceptions to the rule:

UN HAZARD CLASSIFICATION    DOT PLACARD REQUIRED-ANY QUANTITY

Class A explosives	Explosives A
Class B explosives	Explosives B
Poison A	Poison Gas
Flammable Solid(Dangerous when wet only)	Flammable Solid-Dangerous When Wet
Radioactive(yellow III label on package)	Radioactive
Radioactive material: Uranium hexafluoride fissile	Radioactive and Corrosive
Uranium hexafluoride, low specific activity	Radioactive and Corrosive

Labels and placards were created to be simple in design yet still present needed information. This information is communicated in four ways: a color, a symbol, a single digit number and one or two words or a four-digit number. Independently, each of them can give the observer or emergency responder a solid clue to what the basic hazards are of the material involved.

HAZARD CLASSIFICATION	PLACARD COLOR	SYMBOL	WORDS	UN CLASS NUMBER
EXPLOSIVES	ORANGE	EXPLODING CIRCLE	EXPLOSIVES A	1
			EXPLOSIVES B	1
			EXPLOSIVES C	1
			BLASTING AGENTS	1
POISON	WHITE	SKULL & CROSSBONES	POISON GAS	2
			CHLORINE	2
			POISON	6
			IRRITANT	6
FLAMMABLE	RED	FLAME	FLAMMABLE GAS	2
			FLAMMABLE LIQUID	3
			COMBUSTIBLE	3
	RED & WHITE STRIPES		FLAMMABLE SOLID	4
NON FLAMMABLE GAS	GREEN	GAS CYLINDER	NON-FLAMMABLE GAS	2
OXIDIZER	YELLOW	FLAMING CIRCLE	OXYGEN	2
			OXIDIZER	5
			ORGANIC	5
			PEROXIDE	
RADIOACTIVE	WHITE YELLOW &	PROPELLER	RADIOACTIVE I	7
			RADIOACTIVE II	7
			RADIOACTIVE III	7
CORROSIVE	BLACK & WHITE	TEST TUBES DRIPPING LIQUID	CORROSIVE	8
ETIOLOGIC	RED & WHITE	FOUR RED INTERTWINED CIRCLES	ETIOLOGIC AGENTS BIOMEDICAL METERIALS	6

A word of caution. The absence of a placard from a vehicle or rail car does not mean that there is not hazardous materials aboard. Furthermore, it must be acknowledged that there numerous cases where regulated shipments are not labeled or placarded. Regardless of why the material is unlabeled or placarded, these omissions are illegal. While in many cases the placement of the appropriate placards was just forgotten or overlooked, investigators say that truckers remove the placards completely or post placards indicating lesser hazards so the vehicle can use route and tunnels where hazardous materials are prohibited.

Some materials shipped in bulk tank cars and trailers must also have the product name printed in four inch high letters. The following list is not all inclusive and is currently under DOT revision; -

Acrolein	Hydrogen Sulfide
Anhydrous Ammonia	Liquified Hydrocarbon Gas
Bromine	Liquified Petroleum Gas
Butadiene	Methyl Acetylene Propadiene
Chlorine	stabilized
Difluoroethane*	Methyl Chloride
Difluoromonochloromethane*	Methyl Chloride-Methyle
Dimethylamine, Anhydrous	Chloride Mixture
Dimethyl Imine	Monomethylamine, Anhydrous
Ethylene Oxide	Motor Fuel Antiknock Compound
Formic Acid	or Antiknock Compound
Fused Potassium Nitrate and	Nitric Acid
Sodium Nitrate	Phosphorus
Hydrocyanic Acid	Sulfur Trioxide
Hydrofluoric Acid	Triflurochloroethylene
Hydrogen	Trimethylamine, Anhydrous
Hydrogen Fluoride	Vinyl Chloride
Hydrogen Peroxide	Vinyl Fluoride Inhibited
	Vinyl Methyl Ether Inhibited

It must be remembered that labels and placards serves only to inform response personnel of what materials or hazard class may be involved.. They should not be viewed as detailed chemical descriptions or emergency response procedures. Emergency response can not be directed solely by placard or label information.

\* May be stenciled DISPERSANT GAS or REFRIGERANT GAS in lieu of the name.

## 2. The U.N. or DOT Identification System

All of the information presented on labels and placards, the color, the symbol, the hazard class number and the words, only offer a very basic starting point in understanding the potential dangers that the material can create. However, to properly evaluate and control a hazardous materials incident, emergency responders need more information. They need to know specifically what material they are confronting. Understandably, some might suggest listing the specific chemical or the placard or label but if that truck or rail car is hauling drums of chlorotrifluoromethane and trifluoromethane mixture or any of thousands of other chemicals the diamonds might have to be five feet wide. As it happens, there are more than 40 specific chemical names that the government does require be written in four-inch-high letters on the side of rail cars. But these are the exception to the rule.

Government, industry and emergency response experts have developed a four-digit ID or UN numbering system which covers most of hazardous materials labels encountered. If the ID number is used, it is displayed either inside the placard, where the hazard class name was found, or in an orange panel next to the standard placard.

The ID system does work. For example, if you see the number "2599" inside or near a placard you can be somewhat confident that the vehicle or rail car is carrying the chlorotrifluoromethane and trifluoromethane mixture we were discussing earlier.

However, caution must be used. In many cases, the four-digit numbers refer to more than one chemical. In fact, the number "1993" covers more than 250 different, individual substances ranging from after shave lotion (combustible liquid) to trimethyl phosphite (flammable.) Most hazmat response specialists agree that if you encounter a number that encompasses several different chemicals, until you learn otherwise, react as if you were dealing with the most hazardous.

These numbers are referenced in DOT's Emergency Response Guidebook, which provides information on the hazard

the 704m label is also diamond shaped, but that is where the similarities end.

The diamond is divided into four color-coded sections or quadrants, with each different color indication a different hazard. Numbers from zero to four within three of the quadrants indicate the degree of health hazard, flammability and instability or reactivity of the substance stored within the container. In this system a designation of zero indicate the lowest level of hazard while four is the most serious.

(Red)  
Flammability  
Hazard

(Blue)  
Health  
Hazard

(Yellow)  
Reactivity  
Hazard

(White)  
Special  
Information

Special Information(White):

The white block is designed for special information about the chemical. For example, it may indicate that the material is Radioactive by displaying the standard radioactive symbol, or unusually water-reactive by displaying a large W with a slash through it (W).

The color-coding lessens the chance of confusion with red indicating flammability, yellow signaling reactivity and blue, the health hazard. The fourth quadrant is white and left blank unless a special hazard exist such as the material is radioactive, an oxidizer or is water reactive.

The NFPA 704m system does not identify the specific commodity but it does offer much more information than routine labels

classification and recommended guidelines. Examples of the system are:

<u>UN Number</u>	<u>Hazard Classification</u>	<u>Product</u>
1075	Flammable Gas	Propane
1203	Flammable Liquid	Gasoline
1830	Corrosive	Sulfuric Acid

The classification used for placards and labels is based on the United Nations Hazard Classes. The UN hazard class number is found in the bottom corner of the DOT placard or label.

### UN HAZARD CLASS SYSTEM

United Nations  
Hazard  
Class Number

Description

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1	Class A, B, and C Explosives
2	Nonflammable & Flammable compressed gases
3	Flammable liquids
4	Flammable Solids, spontaneously combustible substances, and water-reactive substances
5	Oxidizing materials, including organic peroxides
6	Class A & B poisons, irritants, and etiologic(disease-causing) materials
7	Radioactive materials
8	Corrosive materials(Acids)
9	Miscellaneous hazardous materials not covered by any of the other classes

### 3. The NFPA 704m SYSTEM

The labels and placards we have just discussed are required only for hazardous materials being transported, but what happens once they reach their destination and are stored for future use or further distribution? The inherent dangers of the material haven't diminished. The only difference is that they are now being held or stored at a fixed location and if problems develop emergency responders will have the same need to quickly identify the potential hazards.

The National Fire Protection Association recognized this need and developed the "704 marking system" for stationary tanks and fixed facilities. Like the DOT system,

and placards. It can be of great value to those responding to storage or fixed facilities, but do not count on finding it everywhere. While a growing number of companies are using it on large chemical storage tanks and some manufacturers are even printing it on labels of small bottles of chemicals, the NFPA diamond is not nearly as widely used as it should be.

#### 4. Shipping Papers

The best information that emergency personnel can get at a hazardous materials incident may come from the shipping papers which accompany the cargo regardless of which mode of transportation is involved. These papers are supposed to be where the answers are and, if properly filled out, can tell exactly how much of each material is on board, the type of packaging, the hazard class, the proper shipping name, the U.N. number, the destination and who shipped it.

In highway transportation, these papers are called "bills of lading" and are kept by the driver, either in a pouch which is attached to the driver's door or left on the seat of the vehicle. On an aircraft it is called an "airbill" and is the responsibility of the pilot. On water, it's called a "dangerous cargo manifest" and is kept on the bridge or in the wheelhouse, except on barges where it is stored in a specially designated pipe-like mailbox.

In rail transport there are two documents that can be useful in a hazardous materials incident. The first is the "waybill" which contains information on the contents of each car in the train. The second is the "wheel report" or "consist" which is a listing of the position of the cars in the train.

Several railroads provide hazard warnings and emergency response data for hazardous materials listed in the consist. In an active train the consist can, according to the regulations, be found with the conductor in the caboose, but since cabooses are rapidly becoming an endangered species, check the front of the train first. If the incident occurs in a rail yard, the yard master should have the appropriate papers.

Again, a word of caution. The system of shipping papers we have described, is the way it is supposed to work. Emergency personnel will not always find the papers. They could have been destroyed in the initial accident or subsequent fire, or never have existed in the first place. There is also the chance that the information on the papers is incomplete or incorrect.

## INITIAL RESPONSE OPERATIONS

Initial responders to emergency incidents are usually police, fire and emergency medical units.

### 1. Police Departments

#### General Duties:

General duties of the Police in emergency operations are:

- a. protect life and property
- b. search and rescue
- c. evacuation
- d. provide first responder medical aid
- e. cordon the primary area and control access
- f. establish traffic routes and control
- g. control panic at the scene
- h. prevent illegal entry and looting
- i. care for the dead
- j. maintain police services throughout the city or town
- k. assume designated responsibilities at On-Site Command Center
- l. maintain continuous communications with police commanders
- m. investigate crime
- n. prepare necessary records and reports

#### First Police Responder:

The first police officer arriving at the scene of an incident will have the following duties:

- a. determine and communicate to the dispatcher the type, location, possible magnitude of the situation, and the need for police, fire medical and other assistance.
- b. observe all possible safety precautions.
- c. assume interim police command of incident if necessary.
- d. stay available for radio communications
- e. organize and direct any volunteer self-help at the scene; render whatever aid possible.
- f. begin chronological listing of events, if possible
- g. direct other police officers at the scene until a supervisor arrives.

First Police Supervisor Responder:

Duties of the first Police Supervisor arriving at the scene include:

- a. assume interim command and receive briefing
- b. establish the On-site Command Center, with supervisors of other emergency forces.
- c. transmit a situation report to headquarters, including assistance required.
- d. direct police operations at the scene, until relieved by higher supervisor
- e. if an emergency medical supervisor is not on the scene, the police supervisor calls for ambulances and medical aid and designates the ambulance staging area, headquarters is notified of that location; a police officer is designated as interim supervisor of that staging area.
- f. an On-Site Command Center will be established by the first responding police supervisor, in conjunction with the first responding fire department supervisor. The On-Site Command Center shall be the control center for the entire operation. The commanding officers (police and fire) will conduct liaison with all other agencies and departments on the scene from this

location.

The nature and seriousness of the emergency will determine the location of the On-Site Command Center, its staffing and the extent of its facilities. The following factors will be considered in choosing a location and determining the extent of the On-Site Command Center facilities:

1. number of personnel to be mobilized
2. number of other agencies to be mobilized
3. availability of telephone service
4. number of anticipated casualties (dead, injured, displaced)
5. availability of space for administrative and clerical work
6. probable duration of emergency
7. extent of emergency area
8. facilities for parking
9. distance from scene of actual emergency operations..
10. convenience to other facilities, such as headquarters for other commands and agencies, press center, first aid station, morgue
11. freedom from danger, fire, smoke, and protection from weather.

Police supervisors in immediate charge of police activities at the scene and the fire chief responsible for firemanic duties will coordinate police and fire activities at the On-Scene Command Center.

- g. Commanding personnel at the On-Site Command Center will determine the Magnitude Level of the incident. Because of the possible complexity of incidents related to energy producing materials and other hazardous materials, even Magnitude A incidents (Localized and Routine) may necessitate implementation of part of this plan. The Mayor or his designate, at the Emergency Operations Center, may upgrade or reduce the Magnitude Level, in consultation with

the On-Site Command Center.

Magnitude A incident--Localized/Routine: typically is handled by city or town forces.

Magnitude B incident--Localized/Serious: typically requires mutual aid forces and may require full or partial implementation

Magnitude C incident--Localized/Extreme: typically requires extensive mutual aid and plan implementation

Magnitude D incident--Extending Beyond City or Town: typically requires plan implementation in each City or Town involved, and extensive mutual aid.

## EMERGENCY MEDICAL ORIENTATION

### UNDERSTANDING THE HAZARDS

The "mechanical" dangers presented by hazardous materials, explosions and fire can kill and injure people and often produce the same type of physical or traumatic injuries that emergency personnel frequently encounter in day-to-day fires and accidents.

But the dangers generated by hazardous materials which are often the most pervasive and difficult to control are the toxic or poisonous effects of the material.

It is not our intention in this lesson to turn you into toxicologists but we strongly believe that everyone who has any responsibility for hazardous materials, either as an emergency planner, an elected official or a front line responder, must understand some basic concepts and definitions of toxicology. A rule of thumb expressed by Dr. Frank Mitchell of the Superfund section at the National Centers for Disease Control seems to sum up the potential hazard in five words--"This stuff can kill you."

#### I. Exposure Pathways

Let's begin by addressing how toxic material attacks or gets into a living body. The primary "pathways" or routes which toxins enter the body are:

- A. Inhalation, where normal breathing draws the material through the respiratory system into the lungs. This route is highly susceptible to toxic materials since the lungs are lined with blood vessels, material can be rapidly absorbed into the bloodstream almost instantly after inhalation. Some toxic materials will rapidly burn or destroy the lining of the lungs causing pulmonary edema in which the lungs fill with liquid and the victim can drown.

The respiratory system has defenses but they are not 100 percent effective against toxic gases, vapors, or particles. Some chemicals can impair or destroy portions

of the respiratory tract, or they may be absorbed directly into the bloodstream from the lungs. Chemicals that enter the blood may eventually effect the function of other organs and tissues. The respiratory system can be protected by avoiding or minimizing exposure to harmful substances.

the normal atmosphere consists of 78% nitrogen, 21% oxygen, 0.9% inert gases and 0.04% carbon dioxide. An atmosphere containing toxic contaminants, even at very low concentrations, could be a hazard to the lungs and body. A concentration large enough to decrease the percentage of oxygen in the air can lead to asphyxiation, even if the contaminant is an inert gas.

- B. Ingestion indicates the pathway for the toxins is through the mouth, then is swallowed and can pass into the digestive system and be absorbed by internal organs.
- C. Absorption means the material can enter the body through contact with the skin, eyes and in some cases, the hair. Even though the skin is the largest single "organ" of the body, this pathway is often ignored. Yet, many health specialists believe it presents the greatest hazard because a great many chemicals are skin penetrators and some can kill with only a small amount of exposure, for example, one-square-inch of contamination.

## II. Physiological Effects

What happens once toxic material enters the body differs greatly depending on what material is and how much there is of it. Depending on the chemical involved, the effects can range from none, to a minor rash, to instant death. Testing has shown that almost all chemicals will attack or "target" specific organs or body systems that are highly susceptible to that specific substance. Some material can destroy nerves, or muscles or cause organs like the heart or kidneys to stop functioning. Let's look at a few different chemicals and see where they go:

- Chlorine, which normally enters the body through inhalation, can produce severe skin burns and attack the eyes but internally, in large enough amounts, it will quickly destroy the lungs.
- Parathion, which is so highly toxic that it can enter the body through all pathways, attacks the blood, the central nervous and cardiovascular systems as primary targets. Skin absorption of parathion is the most hazardous pathway and effects of heavy exposure can be seen in minutes.

- Hydrogen cyanide, which also takes multiple pathways, targets not only the CNS and CVS but can also destroy the liver and kidney.

A. Oxygen Deficiency: The body requires oxygen to live, if the oxygen concentration decreases, the body reacts in various ways. Death occurs rapidly when the concentration decreases to 6%.

### PHYSIOLOGICAL EFFECT OF OXYGEN DEFICIENCY

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#### % Oxygen (by volume)

<u>At Sea Level</u>	<u>Effects</u>
21	Nothing abnormal
16-21	Loss of peripheral vision, increased breathing volume, accelerated heartbeat, impaired attention and thinking impaired coordination.
12-10	Very faulty judgement, very poor muscular coordination, muscular exertion causes fatigue that may cause permanent heart damage, intermittent respiration.
10-6	Nausea, vomiting, inability to perform vigorous movement, or loss of all movement, unconsciousness, followed by death.
Less than 6	Spasmodic breathing, convulsive movements, death in minutes.

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Physiological effects of oxygen deficiency are not apparent until the concentration decreases to 16%. The various regulations and standards dealing with respirator use recommend that percentages ranging from 16-19.5% be considered indicative of an oxygen deficiency. Such numbers take into account individual physiological responses, errors in measurement,

and other safety considerations. In hazardous response operations, 19.5% oxygen in air is the figure that decides between air-purifying and atmosphere-supplying respirators.

### III. Acute and Chronic Exposures

The amount of toxic material the body is exposed to is a major factor in determining severity of the damage. Harmful levels of exposure fall into two areas.

- A. The first is acute exposure, which occurs when the material is so toxic or the amount of exposure is so high that health problems begin immediately in some cases and within 48 hours in most others.
- B. The second is chronic exposure and this involves long term effects and is often far more complex to evaluate. In some cases of exposure, levels received by the body are not high enough to cause immediate problems and the body's defense system will eventually purge the toxin. But some materials do not pass through the body but collect in certain organs or tissue. This may not create a problem unless and until that person is again exposed to the same material. Now you have a buildup of the toxin in the body and the cumulative level of exposure may now be serious enough to cause acute problems. In the world of emergency response personnel, chronic exposure indicates anything that surfaces after ten days.
- c. In addition to being outright poison, many hazardous materials can produce other medical problems. Extensive testing by government, industry and medical researches has identified hundreds of substance which, at least in laboratory animals, have produced serious long term problems because the material can alter normal body cells. These materials fall into three classes of additional hazards:
  - Carcinogenic which means they can produce cancer in tissue.
  - Mutagenic a reproductive disorder which can produce alterations or changes in the victim's chromosome or gene structure which may cause continuing birth defects or change future generations of offspring.
  - Teratogenic comes from the Latin, meaning "the study of monsters" and is another reproductive problem which can produce birth defects in the victim's next offspring.

Some chronic problems do not surface for years. take the case of the G.I.s who participated in the atomic tests in the Nevada desert in the late 50s. Many experts claim that some

of these men suffered radiation exposure that only now, more than 20 years later, is surfacing as cancer. Asbestos is an example of another material where it can take decades for symptoms to surface.

#### IV. Indications of Toxicity

When discussing toxicity there is almost no way of avoiding the numbers game and although it may appear to be a continuous stream of meaningless initials and numbers, there are only three or four you need to understand to begin evaluating the toxicity of a material.

- A. LD-50 or LC-50 means the "lethal dose" or "lethal concentration" of a material which will kill at least half of the subjects exposed to it. LD-50s usually apply to liquids and solids and are presented in mg/kg/ LC-50s apply to gases and presented in ppm or ppb. We will explain what the letters mean in the next section.
  - B. IDLH indicates the concentration of a material that is "Immediately Dangerous to Life or Health" beyond 30 minutes of exposure. IDLH values are found in the literature and also in the "NIOSH/OSHA Pocket Guide to Chemical Hazards."
  - D. TLV is the "threshold limit value" and is the concentration of a toxicant that a healthy person can be exposed to, eight to ten hours a day, five days a week, throughout his or her work life without suffering any harmful effects. The TLV is recommended by the American Conference of Governmental Industrial Hygienists (ACGIH).
  - D. MDL reflects the "minimum lethal dose" which calculates the minimum exposure of a substance that would be fatal to any single member or a group.
- Caution must be used when applying any of these limits to evaluations of evacuation needs and stay time or protective gear needed by personnel at hazardous material incidents. Although tens of thousands of tests, experiments and studies have been done to determine toxicity, most were done in laboratories and on animals

The LD-50s, TLVs, IDLHs, and other values are, in almost all cases, indications of the danger of a pure, single chemical, something rarely found at a hazardous material release. The mixture of two chemicals, or the burning of one may alter the suspected toxicity considerably. Furthermore, exposure standards are usually set for healthy, young, males in a workplace environment. This may be a different group than you are concerned with

at fast changing toxic releases.

Field experts stress that "toxicity data must be considered as estimates or best guesses and lives should not be bet on them." CDC's Dr. Mitchell likens toxicity measurements to "EPA's mileage estimates" and should be used only for comparison purposes.

#### V. Units of Measurement

By themselves, the letters we discussed a moment ago mean nothing without numbers to quantify the amount of concentration of the toxic material involved. When evaluating toxicity, gallons, quarts, ounces, and even teaspoons are almost useless when you are dealing with substances where a minute fraction of one drop can kill or disable. There is general agreement that any material in which 1/8th of an ounce can cause harm in humans must be considered a poison. As you go through most references you may encounter any or all of the following.

ppm or ppb means "parts per million" or "parts per billion" and indicates the number of parts of a toxic substance found in one million or one billion parts of liquid or gases.

mg/kg is a unit which indicates the number of milligrams of a substance per kilogram of body weight.

There are units of measurement that apply specifically to radiological material:

Curie is a basic unit to describe the intensity or strength of radioactivity in a material.

RAD REM, Roentgen although all slightly different, each indicates a unit of radiation dose which tells how much energy is deposited.

The curie, rad, rem, and roentgen all indicate relatively large amounts of radioactivity. In most cases you will encounter units much smaller. Such as the microcurie, which is one millionth of a curie; a millicurie, which is one-thousandth of a curie; or a millirem, which is one-thousandth of a rem.

#### IV. Monitoring Exposure to Emergency Workers

As we discussed earlier in this section, toxic exposure can occur in both acute or chronic forms. the firefighter who begins coughing up blood at the scene of a toxic release will obviously be treated for the problems and his medical condition followed closely. But what about the health of members of your community's ~~hazard team~~ who responds to a dozen or a hundred incidents a year.

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Just because they haven't doubled over in pain, or passed out does not mean that they have not received chronic injuries from the toxic substances they routinely handle.



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

## HAZARDOUS MATERIALS TRANSPORTATION

### HAZARDOUS MATERIALS DEFINITIONS

The following definitions have been abstracted from the Code of Federal Regulations, Title 49, Transportation, Parts 100-177. Refer to the referenced sections for complete details. NOTE: In column (1), Sec. 172.101, Hazardous Materials Table, the plus (+) fixes the proper shipping name and hazard class. The name and class do not change whether the material meets or does not meet the definition of that class. [Sec. 172.101(a)(1)]

**HAZARDOUS MATERIAL** - A substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated. (Sec. 171.8)

**MULTIPLE HAZARDS** - a material meeting the definition of more than one hazard class is classed according to its position in the lists in Sec. 173.2(a) and (b).

DOT HAZARD CLASS	UN CLASS	DEFINITION
		<u>An Explosive</u> - Any chemical compound, mixture, or device-- the primary or common purpose of which is to <u>function by explosion</u> , that is substantially instantaneous release of gas and heat. Exception--such compound, mixture, or device is otherwise specifically classified in Parts 170-189. (Sec. 173.50)
CLASS A EXPLOSIVE	1	Detonating or otherwise of <u>maximum hazard</u> . The nine types of Class A explosives are defined in Sec. 173.53.
CLASS B EXPLOSIVE	1	<u>Flammable hazard</u> - In general, functions by rapid burning rather than detonation. Includes some explosive devices such as special fireworks, flash powders, etc. (Sec. 173.88)
CLASS C EXPLOSIVE	1	<u>Minimum hazard</u> - Certain types of fireworks and certain types of <u>manufactured articles containing restricted quantities</u> of Class A and/or Class B explosives as components. (Sec. 173.100)
BLASTING AGENT		A material designed for blasting which has been tested in accordance with Sec. 173.114a(b). It must be so <u>insensitive</u> that there is very little probability of: (1) <u>accidental explosion</u> or (2) going from burning to detonation. [Sec. 173.114a(b)]
		<u>Compressed Gas</u> - Any material or mixture having in-the-container a pressure EXCEEDING 40 psia at 70° F., OR a pressure exceeding 104 psia at 130° F.; or any liquid <u>flammable material</u> having a vapor pressure exceeding 40 psia at 100° F. [Sec. 173.300(a)]
		<u>Non-liquefied compressed gas</u> is a gas (other than gas in solution) which, under the charged pressure, is <u>entirely gaseous</u> at a temperature of 70° F.
		<u>Liquefied compressed gas</u> is a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

DOT HAZARD CLASS	UN CLASS	DEFINITION
		<u>Compressed gas in solution</u> is a compressed gas which is dissolved in a solvent.
FLAMMABLE GAS	2	Any compressed gas meeting criteria as specified in Sec. 173.300(b). This includes: lower flammability limit, flammability limit range, flame projection, or flame propagation.
NONFLAMMABLE GAS	2	Any compressed gas <u>other than</u> a flammable compressed gas.
COMBUSTIBLE LIQUID	3	Any liquid having a flash point <u>at or above</u> 100° F. and below 200° F. Authorized flash point methods are listed in Sec. 173.115(d). Exceptions are found in Sec. 173.115(b).
FLAMMABLE LIQUID	3	Any liquid having a flash point below 100° F. Authorized flash point methods are listed in Sec. 173.115(d). For exceptions, see Sec. 173.115(a).  <u>Pyroforic Liquid</u> - Any liquid that ignites spontaneously in dry or moist air <u>at or below</u> 130° F. [Sec. 173.115(c)]
FLAMMABLE SOLID	4	Any solid material (other than an explosive) which is liable to cause fires through friction or retained heat from manufacturing or processing. It can be ignited readily and burns so vigorously and persistently, as to create a serious transportation hazard. Included in this class are spontaneously combustible and water-reactive materials. (Sec. 173.150)  <u>Spontaneously Combustible Material (Solid)</u> - A solid substance (including sludges and pastes) which may undergo spontaneous heating or self-burning under normal transportation conditions. These materials may increase in temperature and ignite when exposed to air. (Sec. 171.8)  <u>Water Reactive Material (Solid)</u> - Any solid substance (including sludges and pastes) which react with water by igniting or giving off <u>dangerous quantities</u> of flammable or toxic gases. (Sec. 171.8)
ORGANIC PEROXIDE	5	An organic compound containing the bivalent -O-O structure. It may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals. It must be classed as an organic peroxide unless it meets certain criteria listed in Sec. 173.151(a).
OXIDIZER	5	A substance such as chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily. It accelerates the combustion of organic matter. (See Sec. 173.151)
POISON A	2	<u>Extremely Dangerous Poisons</u> - Poisonous gases or liquids -- a <u>very small amount</u> of the gas, or vapor of the liquid, mixed with air is <u>dangerous to life</u> . (Sec. 173.326)
POISON B	6	<u>Less Dangerous Poisons</u> - Substances, liquids or solids (including pastes and semi-solids), other than Class A or Irritating materials--so toxic (or presumed to be toxic) to man that they are a hazard to health during transportation. (Sec. 173.381)

DOT HAZARD CLASS	CLASS	DEFINITION
IRRITATING MATERIAL	6	A liquid or solid substance which, upon contact with fire or air, gives off dangerous or intensely irritating fumes. They do <u>not</u> include any poisonous material, Class A. (Sec. 173.381)
ETIOLOGIC AGENT	6	An "etiologic agent" means a living micro-organism (or its toxin) which causes (or may cause) human disease. (Sec. 173.386)
RADIOACTIVE MATERIAL	7	Any material, or combination of materials, that spontaneously gives off ionizing radiation. It has a specific activity greater than 0.002 microcuries per gram. (Sec. 173.389 [See Sec. 173.389(a) through (l) for details])
CORROSIVE MATERIAL	8	Any liquid or solid that causes visible destruction or irreversible damage to human skin tissue. Also, it may be a liquid that has a severe corrosion rate on steel. [See Sec. 173.240(a) and (b) for details]
ORM - OTHER REGULATED MATERIALS		(1) Any material that may pose <u>an unreasonable risk</u> to health and safety or property when transported in commerce; and (2) does not meet any of the definitions of the other hazard classes specified in this subpart; or (3) has been reclassified an ORM (specifically or permissively) according to this subchapter. [Sec. 173.500(a)]
ORM-A	9	A material which has an anesthetic irritating, noxious, toxic, or other similar property. If the material leaks during transportation passengers and crew would have extreme annoyance and discomfort. [Sec. 173.500(b)(1)]
ORM-B	9	A material (including a solid when wet with water) the leakage of which could cause significant damage to the vehicle transporting it. Materials meeting one or both of the following criteria are ORM-B materials: (1) Specifically designated by name in Sec. 172.101 and/or (2) a liquid substance that has a corrosion rate exceeding 0.250 inch per year (IPY) on non-clad aluminum. An acceptable test is described in NACE Standard TM-01-69. [Sec. 173.500(b)(2)]
ORM-C	9	A material which has other inherent characteristics not described as an ORM-A or ORM-B. It is unsuitable for shipment, unless properly identified and prepared for transportation. Each ORM-C material is specifically named in Sec. 172.101 [Sec. 173.500(b)(3)]
ORM-D	9	A material such as a consumer commodity which presents a limited hazard during transportation due to its form, quantity and packaging. They must be materials for which exceptions are provided in Sec. 172.101. A shipping description applicable to ORM-D material is found in Sec. 172.101 [Sec. 173.500(b)(4)]
ORM-E	9	A material that is not included in any other hazard class, but is subject to the requirements of this subchapter. Materials in this class include (1) HAZARDOUS WASTE and (2) HAZARDOUS SUBSTANCE, as defined in Sec. 171.8 [Sec. 173.500(b)(5)]

THE FOLLOWING ARE OFFERED TO EXPLAIN SOME OF THE ADDITIONAL TERMS USED IN PREPARATION OF HAZARDOUS MATERIALS FOR SHIPMENT. (Sec. 17L8)

DOT TERM	EXPLANATION
CONSUMER COMMODITY (See ORM-D on previous page)	A material that is packaged or distributed in a form intended and suitable for sale through retail sales-type agencies. The material is for use by individuals for personal care or household use. This term also includes drugs and medicines. (Sec. 17L8)
FLASH POINT	The minimum temperature at which the flammable vapors of a substance (in contact with a spark or flame) will ignite. For liquids, see Sec. 173.115.
FORBIDDEN	Material is prohibited from being offered or accepted for transportation. This prohibition <u>does not</u> apply if these materials are diluted, stabilized, or incorporated in devices AND they are classed in accordance with Sec. 172.101(d)(1).
HAZARDOUS SUBSTANCE	For transportation purposes, a material (and its mixtures or solutions) that is identified by the letter "E" in Column (1) of the Hazardous Materials Table, Sec. 172.101. The quantity of the material transported in one package (or in one transport vehicle, if not packaged) must equal or exceed the reportable quantity (RQ).
HAZARDOUS WASTE	Any material that is (1) subject to the hazardous waste manifest requirements of the Environmental Protection Agency specified in the CFR, Title 40, Parts 262; or (2) would be subject to these requirements (in the absence of an interim authorization to a State) see Title 40, CFR, Part 123, Subpart F; Sec. 17L8. Questions regarding EPA hazardous waste regulations, call Toll Free: (800) 424-9065 or in Washington: 554-1404.
LIMITED QUANTITY	The maximum amount of a hazardous material authorized for specific labeling and packaging exceptions. Consult the sections applicable to the particular hazard class. See Sec. 173.118, 173.118(a), 173.153, 173.244, 173.306, 173.345, 173.364 and 173.391.
REPORTABLE QUANTITY	The quantity of hazardous substance specified in the Hazardous Materials Table (Sec. 172.101). Reportable Quantity is identified by the letter "RQ" in Column (2). (Sec. 17L8)

• THIS HANDOUT IS DESIGNED AS A TRAINING AID FOR ALL INTERESTED PARTIES WHO MAY BECOME INVOLVED WITH HAZARDOUS MATERIALS. IT DOES NOT RELIEVE PERSONS FROM COMPLYING WITH THE DEPARTMENT OF TRANSPORTATION'S HAZARDOUS MATERIALS REGULATIONS. SPECIFIC CRITERIA FOR HAZARD CLASSES AND RELATED DEFINITIONS ARE FOUND IN THE CODE OF FEDERAL REGULATIONS (CFR), TITLE 49, PARTS 100-177.

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MATERIALS TRANSPORTATION BUREAU  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C. 20590

- a. PROPER SHIPPING NAME (NO hazardous materials can be shipped unless the proper shipping name of that material is taken from the Hazardous Material Table 172.101)
- b. THE HAZARD CLASS (the type hazard that is represented by the materials)
- c. THE IDENTIFICATION NUMBER (NA or UN number that is used to identify the material)
- d. THE PACKAGING required (the specific container type that is considered appropriate for the specific hazard).
- e. THE SHIPMENT MODE regulated (e.g., some are regulated on aircraft only and others are regulated on all carriers).
- f. THE QUANTITY LIMITATIONS (the amount per package is often limited on passenger carrying vehicles or on aircraft).

[The applicable shipping requirements are specified for each PROPER SHIPPING NAME and are listed in the HAZARDOUS MATERIAL TABLE]

§ 172.101 Hazardous Materials Table—Continued

(1) +1 E/ A/ W	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4A) Identifi- cation number	(4) Label(s) required (if not accepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					(a) Exceptions	(b) Specific requirements	(a) Passenger- carrying aircraft or railcar	(b) Cargo aircraft only	(a) Cargo vessel	(b) Pass- enger vessel	(c) Other requirements
AM	Calcium oxide	ORM-B	UN1810	None	173.305	173.830	25 pounds	100 pounds	1.2	1.2	Keep dry. Slow away from explosives, acids, combustible materials, and ammonium salts
	Calcium permanganate	Outdoor	UN1456	Outdoor	173.153	173.154	25 pounds	100 pounds	1.2	1.2	Separate from ammonium compounds and hydrogen peroxide
	Calcium peroxide	Outdoor	UN1457	Outdoor	173.153	173.156	25 pounds	100 pounds	1.2	1.2	Keep dry
	Calcium phosphide	Flammable solid	UN1380	Flammable solid and Dangerous when wet	None	173.161	Forbidden	25 pounds	1	5	Keep cool and dry. Segregation same as for flammable solids labeled Dangerous When Wet
	Calcium resinate	Flammable solid	UN1313	Flammable solid	None	173.166	Forbidden	125 pounds	1	5	
	Calcium resinate, fused	Flammable solid	UN1314	Flammable solid	None	173.166	Forbidden	125 pounds	1	5	
	Calcium silico (powder)	Flammable solid	UN1406	Flammable solid and Dangerous when wet	173.153	173.178	Forbidden	25 pounds	1.2	4	Segregation same as for flammable solids labeled Dangerous When Wet
AM	Camphene	ORM-A	NA8011	None	173.305	173.610	No limit	No limit	1.3	1.3	Slow away from foodstuffs and living quarters
	Campher oil	Combustible liquid	UN1130	None	173.118a	None	No limit	No limit	1.2	1.2	
	Cannon primer	Class C explosive	None	None	None	173.107	50 pounds	150 pounds	1.3	5	Keep cool. Slow separate from combustible materials, explosives, or acids
	Caprylyl peroxide solution	Organic peroxide	NA2129	Organic peroxide	173.153	173.221	1 quart	1 quart	1.2	4	
	Capc. blasting. See Detonators, Class A or Class C explosives										
	Capc. toy. See Toy case										
E	Capton (AO-104.54)	ORM-E	NA8099	None	None	173.510	100 pounds	No limit	1.2	1.2	
	Carbamate pesticide, liquid, n.e.s. (compounds and preparations)	Flammable liquid	UN2756	Flammable liquid	173.118	173.118	1 quart	10 gallons	1.2	1	
	Carbamate pesticide, liquid, n.e.s. (compounds and preparations)	Poison B	UN2757	Poison	173.345	173.346	1 quart	55 gallons	1.2	1.2	
	Carbamate pesticide, solid, n.e.s. (compounds and preparations)	Poison B	UN2757	Poison	173.364	173.365	50 pounds	200 pounds	1.2	1.2	
EA	Carbaryl (AO-103/45.4)	ORM-A	NA2757	None	173.505	173.510	No limit	No limit	1.2	1.2	
E	Carbofuran (AO-104.54)	Poison B	NA2757	Poison	173.364	173.365	50 pounds	200 pounds	1.2	1.2	
E	Carbofuran mixture, liquid (AO-104.54)	Poison B	NA2757	Poison	173.345	173.346	1 quart	55 gallons	1.2	1.2	
+E	Carbonic acid. See Phenol										
E	Carbonic acid, liquid (liquid for acid containing over 50% phenol). See Phenol, liquid										
E	Carbon bisulfide, or Carbon disulfide (AO-5000/2270)	Flammable liquid	UN1131	Flammable liquid	None	173.121	Forbidden	Forbidden	1	5	Keep cool. Not permitted on any vessel transporting explosives, except that quantities not exceeding 200 pounds may be transported on such vessels under conditions approved by the Captain of the Port
	Carbon dioxide	Nonflammable gas	UN1013	Nonflammable gas	173.306	173.302 173.304	150 pounds	300 pounds	1.2	1.2	
	Carbon dioxide-nitrous oxide mixture	Nonflammable gas	UN1015	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1.2	1.2	
	Carbon dioxide-oxygen mixture	Nonflammable gas	UN1014	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1.2	1.2	
	Carbon dioxide, refrigerated liquid	Nonflammable gas	UN2187	Nonflammable gas	173.306	173.314 173.315	150 pounds	300 pounds	1.2	1.2	
AM	Carbon dioxide, solid, or Dry ice, or Carbonic	ORM-A	UN1845	None	None	173.815	440 pounds	440 pounds	1	1	Slow away from open ventilators. Slow away from cyanides or cyanide mixtures, liquid or dry
	Carbon monoxide	Flammable gas	UN1016	Flammable gas	173.306	173.302	Forbidden	150 pounds	1	4	
	Carbon monoxide, cryogenic liquid	Flammable gas	NA8202	Flammable gas	None	173.316	Forbidden	Forbidden	1	5	Slow away from living quarters
EAM	Carbon tetrachloride (AO-5000/2270)	ORM-A	UN1846	None	173.505	173.620	1 quart	55 gallons	1.2	1.2	Slow away from living quarters
	Carbonyl chloride. See Phosgene										
	Carboys, empty, must be classed for the hazardous material previously contained in carboy. See 173.29										
	Cartridge bags, empty, with black powder igniter	Class C explosive		Explosive C	None	173.106	50 pounds	150 pounds	1.3	1.3	
	Cartridge, practice ammunition	Class C explosive		Explosive C	None	173.101b	50 pounds	150 pounds	1.2	1.2	
	Case of. See Gasoline or Naptha										
	Caseground gasoline. See Gasoline										

## I.B TYPICAL REQUIREMENTS

### 1. What methods are used to ensure that hazardous materials are safely transported?

The following methods are used to ensure safe transport: 1) contain the material; 2) notify those handling the package of its contents; 3) notify those responsible for shipping about the package's hazardous nature; 4) notify the public/accident response personnel of hazardous contents; and 5) make sure basic safety procedures are followed by the carrier. Specifically, these basic safety procedures include:

- a. Shipping papers-Documents associated with all shipments that highlight the hazardous nature of the material being shipped.
- b. Markings-Information concerning the material, weight, type package, and address is provided on the outside of the package.
- c. Labeling-A brightly colored warning label is used to indicate what hazard the material presents.
- d. Placarding-A warning sign affixed to a motor vehicle to highlight the hazardous nature of the cargo.
- e. Packaging- Only certain types of containers are considered appropriate for hazardous materials.

[Shipping papers, Markings, Labeling, Placarding, and Packaging are typically used as requirements for safe transport.]

### 2. What information is found on a shipping paper ?

- a. A shipping paper (see example on the following page) is a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose, which contains information required by the regulations.

One of the three following formats must be used for shipping papers.

When a hazardous material is required to be on a shipping paper along with non-hazardous materials, the hazardous must be:

- (1) Entered FIRST; or
- (2) Entered on a COLOR that clearly contrasts with any description on the shipping papers of non-hazardous materials; or
- (3) Identified by the entry of a "X" placed before the proper shipping name in a column that is captioned "HM."

**BASIC DESCRIPTION**

Type of Packagings May Be Abbreviated If Used.

Proper Shipping Name

Hazard Class

Total Quantity

No. of Packages	Description and Classification	Total Quantity	Weight or Measure	Hazard	Remarks
10	Drum, Gasoline, Flammable Liquid, UN1203	4500 lbs.			
40	Cyl. Nitrogen, Non-Flammable Gas, UN1066	800 lbs.			
1	Drum, Flammable Solid, n.s.s., UN1325	452 lbs.			
4	Boxes, Advertising Material, Paper, NOI	60 lbs.			
1	Roll, Paper Printing, Newspaper	690 lbs.			
12	Sets, Carbon Paper	22 lbs.			

**COD**  
Country of Origin  
Country of Destination  
Country of Transit  
Country of Origin and Destination

**CERTIFICATION**

HAZARDOUS MATERIALS ENTRIES-LISTED FIRST

**BASIC DESCRIPTION**

Type of Packagings May Be Abbreviated If Used.

Proper Shipping Name

Hazard Class

Total Quantity

No. of Packages	Description and Classification	Total Quantity	Weight or Measure	Hazard	Remarks
10	Drums, Gasoline, Flammable Liquid, UN1203	4500 lbs.			
4	Boxes, Advertising Material, Paper, NOI	60 lbs.			
1	Drum, Flammable Solid, n.s.s., UN1325	452 lbs.			
12	Sets, Carbon Paper	22 lbs.			
40	Cyl. Nitrogen, Non-Flammable Gas, UN1066	800 lbs.			

**COD**  
Country of Origin  
Country of Destination  
Country of Transit  
Country of Origin and Destination

NM Entries-Contrasting Colors

Note: Reproduction of a shipping paper may be highlighted by a highlighting pen rather than printed in a contrasting color.

**CERTIFICATION**

HAZARDOUS MATERIALS ENTRIES-CONTRASTING COLOR

**BASIC DESCRIPTION**

Type of Packagings May Be Abbreviated If Used.

Proper Shipping Name

Hazard Class

Total Quantity

No. of Packages	HM	Description and Classification	Total Quantity	Weight or Measure	Hazard	Remarks
4		Boxes, Advertising Materials, Paper, N.O.I.	60 lbs.			
10	X	Drums; Gasoline, Flammable Liquid, UN1203	4500 lbs.			
1	X	Drum, Flammable Solid, n.s.s., UN1325	452 lbs.			
12		Sets, Carbon paper	22 lbs.			
40	X	Cyl. Nitrogen, Nonflammable Gas, UN1066	800 lbs.			
1		Roll, Paper, Printing, Newspaper	690 lbs.			

**COD**  
Country of Origin  
Country of Destination  
Country of Transit  
Country of Origin and Destination

**CERTIFICATION**

HAZARDOUS MATERIALS PREFIXED BY "X" IN HM COLUMN

3. What will shipping papers tell you as a responder ?

- a. Proper Shipping Name of the hazardous material, substance, or waste.
- b. Hazard Class or classes being transported.
- c. ID Number that can be cross-referenced to emergency response guide books.
- d. Quantity in weight, gallons, boxes, cylinders, etc., including physical form, e.g., one tank load or one car load.
- e. Name Of Consignee Or Consignor, transporter or other parties' names, addresses, and sometimes telephone numbers.
- f. Shipper's Certification-Shippers must certify on the shipping paper that the hazardous material offered for transportation is properly classified, described, marked, and labeled in accordance with the DOT regulations.
- g. A List of other commodities in the shipment that may pose a hazard to responders.
- h. Additional Information:
  - o limited quantities
  - o hazardous substances
  - o radioactive material
  - o empty packaging
  - o "Dangerous When Wet"
  - o poison-Inhalation hazard
  - o ORM-material
  - o hazardous waste manifest

4. What marking requirements will aid the responder?

- a. Identification Numbers-are required by the DOT regulations and can be found as follows:
  - o on a placard(or orange panel) - a UN class number is found on the bottom of some placards.
  - o on shipping papers as part of the basic description.
  - o on packaging in association with the proper shipping name.
  - o on rail tank cars. (Rail)
  - o on cargo tanks(highway)
  - o on freight containers(Rail or Highway)
- b. PROPER SHIPPING NAME can be found on certain packages and documents as follows:

- o on packaging ( 110 gallons or less)
- o on shipping papers
- o on portable tanks (over 110 gallons)
- o on cargo tanks or tank cars transporting compressed gas only.

c. Marking exceptions provide that ID numbers will not appear on ORM-D and limited quantities shipments.

5. What labeling requirements will aid the responders ?

a. Some labeling requirements are as follows:

- o Some packages must be labeled if not excepted.
- o Some materials commodities require more than one label because of additional hazards.(Dangerous When Wet, Inhalation Hazard, Radioactive)
- o Radioactive materials require one label on each side of certain packages.

b. Labeled packages are found in the transport vehicle and in terminals, warehouses, and dock facilities.

c. Labels communicate a hazard by color, shape, symbol, number, and language.

d. Labels may provide additional information because of multiple labeling requirements. This can help determine additional hazards, particularly in fixed locations and sometimes while in transit.

e. Authorized label modifications.

- o For a package containing oxygen, the word "Oxygen" may be used in place of the word "Oxidizer" on the oxidizer label.
- o For a package containing chlorine, the word "Chlorine" may be used in place of the word "Poison" on the poison label.
- o A chlorine label may be used in place on the non-flammable gas and poison labels required for chlorine by 172.101.

6. What placarding is used ?

a. How do placards communicate to the responder ?

- o By color - orange for explosives and blasting agents
  - red for flammability
  - black for corrosivity
  - green for nonflammability
  - yellow for oxidizers and organic peroxides
  - red, white, and blue for water reactive
  - white for poison

- b. SHIPPING PAPERS-There is not a specific form, government or otherwise, required to be used as a shipping paper under the DOT regulations. A shipping paper may be any of the following documents:

Bill of lading  
Freight Bill  
Manifest  
Loading ticket  
Invoices  
Packing list  
Etc.

- c. Where are shipping papers located?

- (1) Highway- A driver of a motor vehicle containing hazardous material, and each carrier using such a vehicle, shall ensure that the required shipping paper is readily available to, and recognizable by, authorities in the event of an accident or inspection. Specifically, the driver and the carrier shall clearly distinguish the shipping paper if it is carried with other shipping papers or other papers of any kind, be either distinctively tabbing it or by stored as follows: When the driver is at the vehicle's controls, the shipping papers shall be within his immediate reach while he is restrained by the lap belt, and either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle. When the driver is not at the vehicle's controls, the shipping paper shall be in a holder which is mounted to the inside of the door on the driver's side of the vehicle, or on the driver's seat in the vehicle.

Shipping papers can be found attached to packages in the trailer, on the engine cover in the cab, on the window dash, in the driver's briefcase, or under the mattress in the sleeper berth.

- (2) RAIL- The shipping paper must be in the possession of the train crew. (usually the conductor) , in the caboose, or in the engine.

(can be a Consist that marks the location in the train for cars transporting hazardous materials--can be bills of lading, shipping order, shipping papers, waybill.)

The shipping paper must mention the last residue contained. For empty tank cars, except combustible liquids, empty shipments of hazardous substances will be so noted on the shipping papers, as will the residue last contained and RQ (all modes).

- (3) AIR-The shipping papers must be in the possession of the pilot in command. These will be located in the cockpit, usually in the pilot's briefcase.
- (4) VESSEL-A dangerous cargo manifest must be on the vessel located in a designated holder near the bridge. On a barge, the manifest must be with the person in charge of the towing vessel.

- o By symbols-explosive symbol
  - cylinder symbol
  - skull and crossbones for poison
  - flame for flammables
  - international symbol for "Do Not Use" Water" : the letter "W" with a slash through it. (W)
  - the radioactive symbol
- o By numbers- identification numbers in the center of some placards.  
United Nations class numbers located in the bottom of some placards.
- o By language - the hazard class or the word "dangerous" written across the center of the placard.

b. What does the placard communicate to the responders ?

- o The initial warning that hazardous materials are present.
- o The hazard class.
- o A specific product (e.g., chlorine, gasoline, heating oil)
- o The dangerous placard tells the responder that more than one Table 2 product is aboard the transport vehicle or freight container.

c. Table 1, Placarding

- o Contains
  - Class A Explosives
  - Class B Explosives
  - Poison A
  - Flammable Solid that is Dangerous When Wet
  - Radioactive material (yellow III label and LSA waste)
- o Placarding is mandatory for any quantity of Table 1 products. Table 1 product gross weight is not to be included in the computation of placarding requirements for Table 2 products.

d. Table 2, Placarding

- o Contains
  - Class C Explosives
  - Blasting Agent
  - Nonflammable gas (chlorine)
  - Nonflammable gas (Fluorine)
  - Nonflammable gas(oxygen, cryogenic liquid)
  - flammable gas
  - Combustible liquid
  - Flammable liquid
  - Flammable solid
  - Oxidizer

- Organic Peroxide
- Poison B
- Corrosive Material
- Irritating Material

- o Placarding for Table 2 products is permissive up to 999 lbs. gross weight (highway only)
- o Placarding is mandatory for 1,000 lbs. gross weight or more. (gross weight is the weight of the product and its container--highway only)
- o If 5,000 lbs or more gross weight of any (one Class) Table 2 product is loaded at one loading point, then the placard must be applied to the vehicle on all four sides. This will sometimes result in multiple placarding and does not apply to a portable tank, cargo tank tank, or tank car.
- o Normally, Table 2 product placards will indicate to the responder only the hazard class. In special cases it will indicate the specific product (Chlorine, etc.).

e. Special Placarding Requirements.

- o Highway Route Controlled Quantity of Radioactive Materials.
- o Rail for explosives A, Poison Gas, and Poison Gas(empty) - These commodities require a special placard that is a square white background with black border measuring 15-1/4 inches.

Fumigation placards is required adjacent to doors on certain vehicles loaded with agricultural products when intended for interstate transportation. Poison Gas is used for fumigation.

- o The residue placard is required for tank cars that contain 3 percent or less after off-loading the fully loaded tank car.
- o Poison Inhalation Placard- The poison placard in addition to the class placard is required on all commodities that pose a serious inhalation risk.

f. Placards with ID number markings can give you the hazard class but not always the proper shipping name. They always give a Guide number found in the DOT EMERGENCY RESPONSE GUIDEBOOK.

g. Compartmented Cargo Tanks with different products in each compartment will have placards and ID numbers placed in sequence so as to reflect the proper commodity in each compartment.

7. What packagings are used ?

Packaging means the assembly of one or more containers and any other components necessary to ensure compliance with the minimum packaging requirements of the regulations. The specific packaging requirements for a hazardous material can usually be found in the references listed in the Hazardous Materials Table.

There are three levels of packaging requirements that must be met by all packages of hazardous materials: (1) General Requirements; (2) Hazard Class Requirements; and (3) Material Specific Requirements.

- a. General Requirements. Part 173.24 contains standart requirements for all packages.

"...shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation -

(1) There will be no significant release of the hazardous materials to the enviroment.

(2) The effectiveness of the packaging will not be substantially reduced..."

- b. Hazard Class Requirements. Each hazard class has some general packaging requirements that apply to all the materials meeting the definition of that hazard class. These additional packaging requirements can generally be found in the subpart applying to the hazard class.

(example) The packaging authorized for corrosive materials is found in 173.241, 173.242, and 173.243.

- c. Material Specific Requirements. Some specific materials have unusual characteristics that require even greater restrictions on packaging.

(Example) The packaging for ethyl chloride ( a flammable liquid) is specified in detail in 173.123.

- d. Packaging Terms.

- (1) Specification Packaging - Packagings which are constructed in accordance specifications approved by DOT and listed in Part 178 of the regulations.
- (2) Performance Packaging - Packagings which are designed for specific types and quantities of material, tested for drop, puncture, fires, and water and approved by DOT, DOE, or NRC.
- (3) Limited Quantity - Small quantities of hazardous materials, other than Poison B materials, that pose little or no risk in transportation and for which there is a specific labeling and packaging exception.
- (4) Small Quantity Packaging - Packaging which has no package specification and only a packaging list as a "Shipping paper."

## INITIAL RESPONSE OPERATIONS

Initial responders to emergency incidents are usually police, fire and emergency medical units.

### 1. Police Departments

#### General Duties:

General duties of the Police in emergency operations are:

- a. protect life and property
- b. search and rescue
- c. evacuation
- d. provide first responder medical aid
- e. cordon the primary area and control access
- f. establish traffic routes and control
- g. control panic at the scene
- h. prevent illegal entry and looting
- i. care for the dead
- j. maintain police services throughout the city or town
- k. assume designated responsibilities at On-Site Command Center
- l. maintain continuous communications with police commanders
- m. investigate crime
- n. prepare necessary records and reports

#### First Police Responder:

The first police officer arriving at the scene of an incident will have the following duties:

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- a. determine and communicate to the dispatcher the type, location, possible magnitude of the situation, and the need for police, fire medical and other assistance.
- b. observe all possible safety precautions.
- c. assume interim police command of incident if necessary.
- d. stay available for radio communications
- e. organize and direct any volunteer self-help at the scene; render whatever aid possible.
- f. begin chronological listing of events, if possible
- g. direct other police officers at the scene until a supervisor arrives.

First Police Supervisor Responder:

Duties of the first Police Supervisor arriving at the scene include:

- a. assume interim command and receive briefing
- b. establish the On-site Command Center, with supervisors of other emergency forces.
- c. transmit a situation report to headquarters, including assistance required.
- d. direct police operations at the scene, until relieved by higher supervisor
- e. if an emergency medical supervisor is not on the scene, the police supervisor calls for ambulances and medical aid and designates the ambulance staging area, headquarters is notified of that location; a police officer is designated as interim supervisor of that staging area.
- f. an On-Site Command Center will be established by the first responding police supervisor, in conjunction with the first responding fire department supervisor. The On-Site Command Center shall be the control center for the entire operation. The commanding officers (police and fire) will conduct liaison with all other agencies and departments on the scene from this

location.

The nature and seriousness of the emergency will determine the location of the On-Site Command Center, its staffing and the extent of its facilities. The following factors will be considered in choosing a location and determining the extent of the On-Site Command Center facilities:

1. number of personnel to be mobilized
2. number of other agencies to be mobilized
3. availability of telephone service
4. number of anticipated casualties (dead, injured, displaced)
5. availability of space for administrative and clerical work
6. probable duration of emergency
7. extent of emergency area
8. facilities for parking
9. distance from scene of actual emergency operations..
10. convenience to other facilities, such as headquarters for other commands and agencies, press center, first aid station, morgue
11. freedom from danger, fire, smoke, and protection from weather.

Police supervisors in immediate charge of police activities at the scene and the fire chief responsible for firemanic duties will coordinate police and fire activities at the On-Scene Command Center.

- g. Commanding personnel at the On-Site Command Center will determine the Magnitude Level of the incident. Because of the possible complexity of incidents related to energy producing materials and other hazardous materials, even Magnitude A incidents (Localized and Routine) may necessitate implementation of part of this plan. The Mayor or his designate, at the Emergency Operations Center, may upgrade or reduce the Magnitude Level in consultation with

the On-Site Command Center.

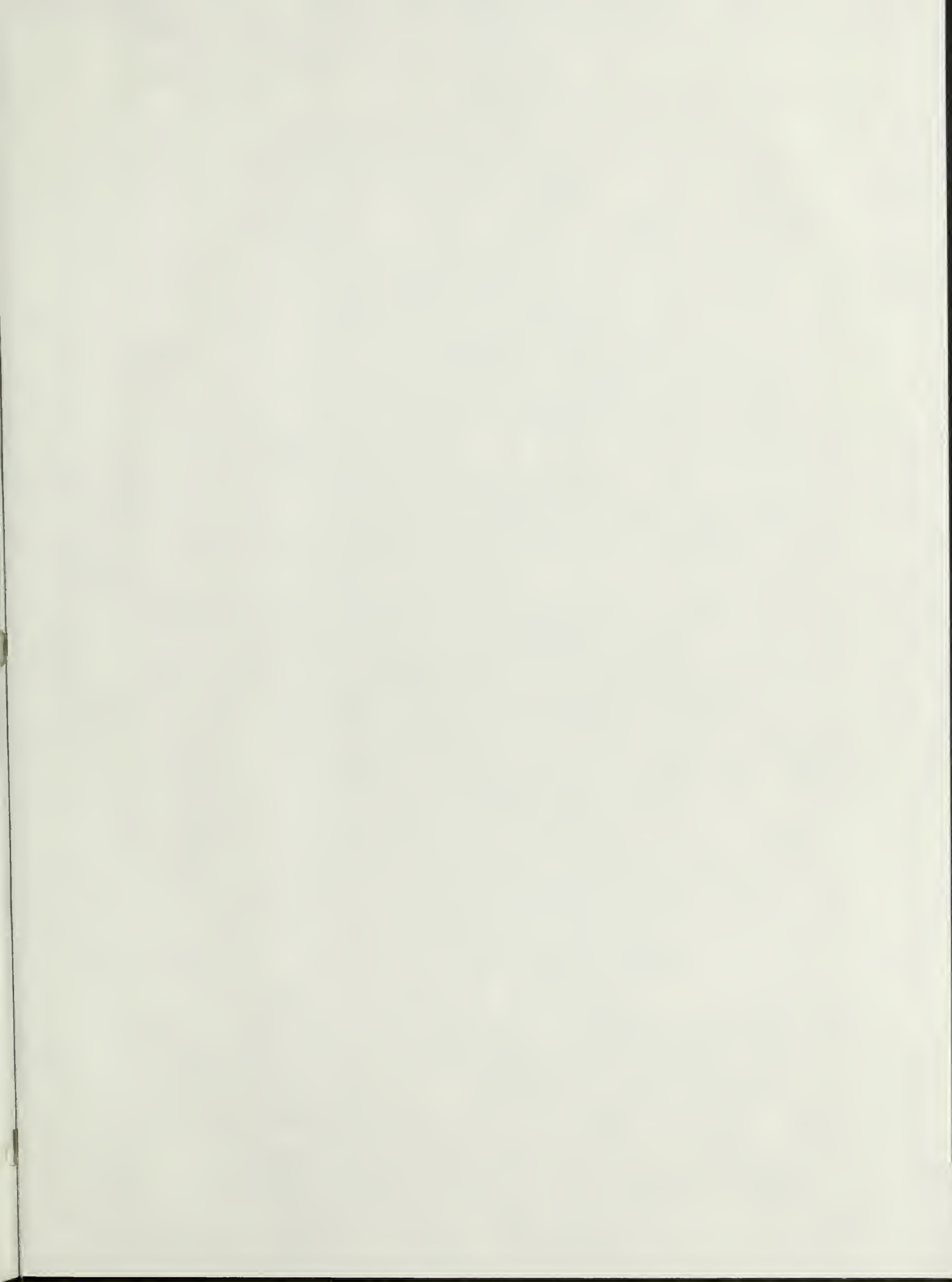
Magnitude A incident--Localized/Routine: typically is handled by city or town forces.

Magnitude B incident--Localized/Serious: typically requires mutual aid forces and may require full or partial implementation

Magnitude C incident--Localized/Extreme: typically requires extensive mutual aid and plan implementation

Magnitude D incident--Extending Beyond City or Town: typically requires plan implementation in each City or Town involved, and extensive mutual aid.

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